



MESSAGES OF THE PRESIDENT
CARLOS P. GARCIA
1957-1961

BOOK 8 | VOLUME 5
Administrative Orders



President Carlos P. Garcia, Eighth President of the Philippines,
Fourth President of the Third Republic.



MESSAGES OF THE PRESIDENT
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Messages of the President Book 8: Carlos P. Garcia

Volume 5

Presidential Communications Development and Strategic Planning Office

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INTRODUCTION

As the President's chief message-crafting body, the Presidential Communications Development and Strategic Planning Office (PCDSPO), is mandated to provide strategic communication leadership and support to the Executive Branch, its composite agencies, and instrumentalities of government.

The PCDSPO is also mandated to act as custodian of the institutional memory of the Office of the President. One of our projects is the continuation of the series of books called the Messages of the President, started in 1936 by Jorge B. Vargas, Executive Secretary to President Manuel L. Quezon. The series was a wide collection of executive issuances, speeches, messages, and other official papers of the President. The volumes were intended to serve as the definitive compilation of presidential documents. The series was continued until the Quirino administration, although the series for the Presidential administrations of Presidents Quezon, Roxas, and Quirino were never completed.

In 2010, President Benigno S. Aquino III ordered the revival of the series and the constitution of a complete set, covering all 15 presidential administrations. With pride, we continue what Vargas began.

We would like to extend our gratitude to our partners for without whose gracious cooperation, this project would have not been possible.

A note on organization: Each presidential administration's messages are in book form, compiled and subdivided into volumes. The books are as follows:

- Book 1: Emilio Aguinaldo
- Book 2: Jose P. Laurel
- Book 3: Manuel L. Quezon
- Book 4: Sergio Osmeña
- Book 5: Manuel Roxas
- Book 6: Elpidio Quirino
- Book 7: Ramon Magsaysay
- Book 8: Carlos P. Garcia
- Book 9: Diosdado Macapagal
- Book 10: Ferdinand E. Marcos
- Book 11: Corazon C. Aquino
- Book 12: Fidel V. Ramos
- Book 13: Joseph Ejercito Estrada
- Book 14: Gloria Macapagal-Arroyo
- Book 15: Benigno S. Aquino III

Each book is subdivided into the following volumes:

- Volume 1: Official Week/Month in Review
 - Volume 2: Appointments and Designations
 - Volume 3: Historical Papers and Documents
 - Volume 4: Executive Orders
 - Volume 5: Administrative Orders
 - Volume 6: Proclamations
-

Volume 7: Other issuances

Volume 8: Cabinet minutes

We hope that this collection will be a useful and vital reference for generations to come.

PREFACE

On July 30, 2010, President Benigno S. Aquino III issued Executive Order No. 4, which effectively renamed what was previously called the Malacañang Museum into the Presidential Museum and Library (PML) and placed it under the supervision and control of the Presidential Communications Development and Strategic Planning Office (PCDSPO). The PML is responsible for preserving, managing, and promoting the history and heritage of the Philippine presidency. It is the principal historical and artistic repository in support of the institution of the presidency, for the benefit of the Republic and the Filipino people. In partnership with the PCDSPO, which has pioneered the publication of the Official Gazette of the Republic of the Philippines as a web archive and information website, the PML has taken this mandate and placed it on the cutting edge of the information age.

Much has been done over the past years, under the administration of President Aquino III, to digitize executive issuances, speeches, letters, and other presidential papers; and publish them online. The project is not limited to a single administration, nor does it discriminate. This collection, published as databases, as well as print and e-publications, includes documents from the presidency of Emilio Aguinaldo to the current Aquino administration. This represents the government's allegiance to transparency, continuity, and the fostering of an informed citizenry, as well as an effort, in earnest, to preserve the institutional memory of the Presidency. All this was done not just for the posterity, but for the current generation and the ongoing task of nation building.

The PML are proud partners of the Official Gazette and PCDSPO team, to whom we made the collections available. We sincerely hope that this series will serve as a vital reference to educators, students, journalists, lawyers, historians, and the public at large.

FOREWORD

This is the fifth volume of President Carlos P. Garcia's official papers, which constitutes the eighth book of the Messages of the President series. The series was started in 1936 by Executive Secretary Jorge B. Vargas, during the first year in office of Manuel L. Quezon, the first President of the Commonwealth of the Philippines. This volume collects President Garcia's Administrative Orders, which relate to particular aspects of governmental operations in pursuance of the President's duties as administrative head of the Executive Department.

BOOK 8

PRESIDENT CARLOS P. GARCIA

President Carlos P. Garcia was the fourth President of the Philippines. He became President and assumed office on March 18, 1957, upon the death of Ramon Magsaysay, and was elected to a full four-year term the same year. President Carlos P. Garcia was President until December 30, 1961.

The Executive Issuances of President Carlos P. Garcia began with Administrative Order No. 235 and Proclamation Nos. 395 to 397, signed on March 18, 1957, he continued the numbering of his predecessor Ramon Magsaysay and ended with Executive Order Nos. 455 to 461; Proclamation Nos. 814 and 815; and Administrative Order No. 387 which were all signed on December 29, 1961.

President Carlos P. Garcia's documents were gathered from its official sources such as the Official Gazette of the Philippines and Malacañang Records Office's Book of Executive Issuances.

The American Psychological Association (APA) style was used for the citation. The titles that have been provided by the researchers are enclosed in square brackets, considering that the exact wordings and its order were not verbatim from the document being described. Book titles are italicized while the speech titles are not. If in any case that the book title is the same as the title of the speech, it is transcribed in italics because it is the book title.

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President Carlos P. Garcia addresses the joint session of the National Diet of Japan on December 2, 1958. He was the first Philippine president to do so.



MESSAGES OF THE PRESIDENT
CARLOS P. GARCIA
1957-1961

BOOK 8 | VOLUME 5
Administrative Orders



President Carlos P. Garcia (sitting at extreme right) meets his cabinet in a special meeting to discuss the grave rice situation in the country, October 26, 1957.

ADMINISTRATIVE ORDERS

An Administrative Order relates to particular aspects of governmental operations in pursuance of the President's duties as administrative head of the Executive Department. The Administrative Orders of President Carlos P. Garcia continued the late President Ramon Magsaysay's numbering on March 18, 1957 with Administrative Order No. 235 and ended on December 29, 1961 with Administrative Order No. 387.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 235
CREATING A COMMITTEE TO TAKE CHARGE OF THE FUNERAL ARRANGEMENTS
AND BURIAL OF THE LATE PRESIDENT RAMON MAGSAYSAY.

WHEREAS, our beloved leader, Ramon Magsaysay, President of the Philippines, passed away unexpectedly on the seventeenth day of March, nineteen hundred and fifty-seven; and

WHEREAS, it is highly fitting and proper that adequate arrangements be made for the holding of official necrological services and a state funeral for our departed leader, commensurate, with the love, affection, and respect in which he is held by the Filipino people, and with the everlasting debt of gratitude that they owe him;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby create a Committee on Funeral Arrangements and Burial, composed of the following:

Hon. Eulogio Rodriguez, Sr.....	Chairman
Hon. Jose B. Laurel, Jr	Member
Hon. Cesar Bengzon	"
Hon. Cipriano P. Primicias	"
Hon. Lorenzo M. Tañada.....	"
Hon. Eulogio Balao.....	"
Hon. Arturo M. Tolentino.....	"
Hon. Eugenio Perez.....	"
Hon. Fortunato de Leon	"
Hon. Sergio Osmeña, Jr.	"
Mr. Manuel Manahan.....	"
Mr. Manuel G. Zamora	Secretary

Done in the City of Manila, this 18th day of March, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the eleventh.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **FORTUNATO DE LEON**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 236
REQUIRING JUDGE PASCUAL SANTOS OF THE COURT OF FIRST INSTANCE
OF MASBATE TO RESIGN.

This is an administrative case filed by the Solicitor General against Judge Pascual Santos of the Court of First Instance of Masbate for serious misconduct and inefficiency in office for allegedly (1) submitting monthly statements, required for the collection of his salary, falsely certifying that all proceedings, applications, petitions, motions and cases of all kinds, submitted for decision or determination for a period of 90 days or more, had been determined and decided and (2) approving and signing false monthly reports of his clerk of court that respondent had no cases pending decision for 90 days or more. The charges were investigated by Justice Querube C. Makalintal of the Court of Appeals.

The investigation discloses that, contrary to respondent's certificate in his monthly statements for the period from May 1953 to May 1954 that all cases submitted 90 days or more prior to the date of each certification had been determined and decided by him, he had during said period several cases pending decision for over 90 days, to wit: Civil Cases Nos. 140 and 142 and Criminal Cases Nos. 1375 and 1409 for May and June 1953; same cases, *supra*, and Civil Case No. 427 for July and August 1953; Civil Cases Nos. 140, 142, 427 and 432 for September, October, and November 1953; same four civil cases, *supra*, and Civil Cases Nos. 299, 300 and 461 and Criminal Case No. 1479 for December 1953 and January 1954; Civil Cases Nos. 140, 142; 299, 300 and 461 and Criminal Case No. 1479 for February 1954; same first five cases, *supra*, for March 1954; same first five cases, *supra*, and Criminal Case No. 1446 for April 1954; and Civil Cases Nos. 142, 299, 300 and 461 and Criminal Case No. 1446 for May 1954.

Respondent claimed that during the period in question he stayed continuously in Masbate whereas his wife resided in Manila; that to enable her to collect his salary he executed a power of attorney in her favor and caused to be prepared and signed, simultaneously and in advance, certificates of work completed by him (New Judicial Form No. 86), and then forwarded the postdated certificates to Mrs. Santos in Manila prior to the months to which the certificates referred; that she filed the certificates with the Department of Justice at the end of the respective months in order to collect his salary; that every time she was informed that respondent had cases pending decision for more than 90 days she refrained from receiving or cashing respondent's salary warrant; and that when respondent came to know that he had cases pending decision for over 90 days he instructed his wife not to collect his salary, as in fact he did not collect his salary for the month of July 1954.

I find respondent's explanation unsatisfactory. As observed by the Supreme Court, there is no evidence that he advised Mrs. Santos at any time between May 1953 and May 1954 to refrain from either filing his said certificates of work done or collecting his salary. The fact that she filed those certificates and collected his salary for said period indicates that she had received no such advice from the respondent. Hence the first count has been duly proven as found by the investigator and the Supreme Court.

As regards the second count, it is not disputed that respondent approved and signed the monthly reports of his clerk of court for March, July, August, and November of 1953 and January, February, April and July of 1954 and that the column in said reports bearing the caption "VII. Number of cases pending at the end of the month," was completely blank, except in the report for March 1953, which implied that there were no cases pending decision at the end of the months above mentioned.

Respondent explained that he approved and signed said reports as a matter of routine, without checking the same and not knowing that they carried a statement that there were no cases pending decision by him. The explanation is not satisfactory because it required no detailed scrutiny to see whether or not there were entries in the different columns of the report, particularly in that calling for a statement of the number of cases pending decision at the time of the preparation of such reports. He must have been aware that he had cases long submitted and still undecided. At a glance he should know that the absence of any entry to that effect, indicating that there were no such cases, was misleading and erroneous.

In his report the investigator invites attention to the circumstances that respondent was laboring under the handicap of having only one stenographer, so much so that sometimes he had to prepare drafts of his decisions in longhand; that he has been suffering from chronic high blood pressure since 1952, in view of which he has been advised by his physician to refrain from heavy mental exertion; that except for the specific instances involved in this case, he has shown marked efficiency and has even been commended by the press for being one of the ten judges of first instance having proportionately the greatest number of decisions affirmed by the appellate courts from 1951 to 1953; and that, on the other, hand, the fact that he was able to turn out such commendable work, both in volume and quality, would seem to neutralize his plea that the delay in the disposition of the cases subject of this investigation was due to the state of his health and to his having only one stenographer.

After a careful consideration of the above circumstances, I agree with the Supreme Court that respondent was still grossly negligent in approving and signing the reports of his clerk of court. What is worse, in signing and sending advanced certificates of work completed which obviously did not reflect the truth, respondent showed, as observed by the court, serious disregard not only of the truth but also of the veracity that should characterize official records. The gravity of his acts is not minimized by his allegation that every time Mrs. Santos was informed that the respondent has cases pending decision for more than 90 days she refrained from receiving or cashing his salary warrant. Indeed, the fact that she cashed respondent's salary warrants for the period from May 1953 to May 1954 shows that respondent had not informed her of the pendency of the cases above referred to, thus sanctioning the filing of the false certificates in question.

In view of the foregoing, and it appearing that the respondent has already been warned previously by the Supreme Court for reprehensible acts, I am constrained to take drastic action against him in the interest of the public service.

WHEREFORE, and upon the recommendation of the Supreme Court, Judge Pascual Santos is hereby required to tender his resignation within five days from receipt of copy hereof. Should he fail to do so, he would be considered removed from office effective on the day following the expiration of said period.

Done in the City of Manila, this 29th day of March, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the eleventh.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **FORTUNATO DE LEON**
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1957). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 237
REMOVING MR. TRANQUILINO O. CALO, JR., FROM OFFICE AS JUSTICE
OF THE PEACE OF CARMEN, AGUSAN.

This is an administrative case against Mr. Tranquilino O. Calo, Jr., justice of the peace of Carmen, Agusan, for, among others, (1) ignorance of the law, (2) electioneering and (3) persecution of political enemies, which was investigated by the District Judge of Agusan.

I

It is alleged that respondent (1) promulgated indeterminate sentences for minimum periods less than a year, (2) committed to the provincial jail a prisoner sentenced to less than one-month imprisonment, (3) required defendants to pay the expenses of state witnesses and (4) ordered the confiscation of a bail bond for failure of the accused to appear at the preliminary investigation.

Respondent admitted the above allegations but explained that in imposing indeterminate sentences, he followed Guevara's Commentaries on the Revised Penal Code; that he committed a municipal prisoner to the provincial jail because he had sentenced the prisoner to more than one month's imprisonment for another offense and he deemed it proper to have him serve both sentences in the provincial jail as he had escaped from the municipal jail during his temporary detention therein; that he required accused persons to pay the expenses of prosecution witnesses as a condition for granting their requests for postponement agreeable to a precedent set by the Court of First Instance of Agusan, and his orders were not appealed; and that the confiscation of a bail bond for failure of the defendant to appear at the preliminary investigation was legal, the Court of First Instance of Agusan having previously sustained a similar order of the Municipal Court of Butuan City.

Respondent's explanation under this charge is not satisfactory except as to the second and third counts thereof. The Indeterminate Sentence Law expressly exempts from its provision "those whose maximum term of imprisonment does not exceed one year." In the face of this clear language, his error can only be attributed to neglect to read the law or to sheer disregard thereof. However, his commitment to the provincial jail of a prisoner sentenced to imprisonment for less than a month appears justified in view of the insecure condition of the municipal jail and the fact that the prisoner had escaped from it before.

Respondent's order requiring the defendants in a criminal case to pay the expenses of the prosecution witnesses as a condition for granting their request for postponement appears justified under the attendant circumstances and in the light of the ruling in *Arcache v. Chanani* (53 O.G. 105). However, as the bail bond does not require the accused to appear at the preliminary investigation, his failure to do so cannot give rise to its cancellation under the Rules of Court.

I therefore find the respondent guilty of the charge of ignorance of the law.

II and III

The evidence shows that respondent went with his grandfather-in-law, Jose Malimit, campaign manager of the Liberal Party in that town, to the barrios of San Agustin, Gozo-on, and Cahayagan where he allegedly participated in political meetings; that on election day of November 10, 1953, about 10:30 A.M., in Nasipit, he instructed Malimit's driver to put many chairs in the truck so that many people could be accommodated, which truck hauled electors from the sitios to the polling places; that when Mayor Arturo de Guzman asked the chief of police to stop the truck because it was not a TPU vehicle, respondent advised the driver not to be afraid and to go ahead with the hauling of electors; and that respondent accompanied electors to the polling place and exhorted them to vote for Liberal Party candidates.

It also appears that respondent issued on August 31, 1953, a warrant for the arrest of Mayor De Guzman for prohibition of peaceful meetings, had the warrant executed by a Philippine Constabulary soldier instead of the chief of police and had him committed directly to jail by written order without giving him opportunity to post bail. The provincial fiscal subsequently moved to dismiss the information for lack of cause.

Denying the electioneering charge, respondent explained that on election day he performed his official duties in connection with the inclusion and exclusion of voters in accordance with the election law. His explanation is incredible because that day was an official holiday and no cases of exclusion nor inclusion of voters could have been decided by him on election day under the provisions of the election code. Moreover, advices on polling procedure were to be sought from the representatives of the Commission on Elections, and the respondent, whose family was deep in politics, must have known of this fact.

Any doubt as to whether the respondent engaged in electioneering is dispelled by the proof of his use of his office and powers to persecute a political adversary of his clan. The respondent could not deny that he caused the warrant of arrest he issued against then Nationalista incumbent Mayor Arturo de Guzman to be executed by the Philippine Constabulary rather than the chief of police. This act could not have been made in good faith, considering that the offense charged was not serious and was certainly bailable and that said mayor could not have been believed to be a dangerous criminal who would evade the processes of justice.

Most serious of all, respondent signed an order for the commitment of the mayor to the provincial jail before the necessity for it arose. Respondent admitted signing the commitment order but explained that he kept it in his desk-drawer and did not give it to anyone. The fact, however, is that the commitment order was delivered by the Philippine Constabulary arresting officer to the provincial warden to whom the arrested mayor was brought. When the mayor asked to be brought to the justice of the peace so that he might post bail, he was told by the arresting officer that there was no use looking for the respondent as the latter was hiding from the mayor. The arresting officer could not have lied. He had an order of commitment signed by respondent justice of the peace. Respondent should have called said officer to deny the imputation not only because, having signed the order of commitment, he had the burden of evidence, but also because as justice of the peace he should have inquired into the truth of the alleged abuse in the execution of the warrant of arrest he issued. A presumption of suppression of evidence lies against him.

In view of the foregoing, I also find the respondent guilty of electioneering and persecution of political enemies as charged.

Wherefore, and upon the recommendation of the Secretary of Justice, Mr. Tranquilino O. Calo, Jr., is hereby removed from office as justice of the peace of Carmen, Agusan, effective upon receipt of notice hereof.

Done in the City of Manila, this 31st day of March, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the eleventh.

(Sgd.) **CARLOS P. GARCIA**
President of the Philippines

By the President:
(Sgd.) **FORTUNATO DE LEON**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 238
MODIFYING ADMINISTRATIVE ORDER NO. 208 DATED JULY 11, 1956, CONCERNING
FORMER JUSTICE OF THE PEACE MARCELO T. MANGAHAS OF PANAMAO, LUUK,
PATA AND TONGKIL, SULU.

After a restudy of the administrative case against former Justice of the Peace Marcelo T. Mangahas of Panamao, Luuk, Pata and Tongkil, Sulu, I am satisfied that sufficient justification exists for modifying the decision thereon removing him from office. In view thereof, Administrative Order No. 208 dated July 11, 1956, is hereby modified in the sense that the respondent is considered resigned without prejudice to reinstatement.

Done in the City of Manila, this 31st day of March, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the eleventh.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **FORTUNATO DE LEON**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 239

FURTHER AMENDING ADMINISTRATIVE ORDER NO. 216 DATED SEPTEMBER 29, 1953,
AS AMENDED BY ADMINISTRATIVE ORDER NO. 199 DATED MAY 24, 1956, ENTITLED
“CREATING A COMMITTEE TO COORDINATE THE PLANNING OF THE MARIKINA RIVER
MULTIPLE PURPOSE DEVELOPMENT FOR ELECTRIC POWER GENERATION, FLOOD
CONTROL, IRRIGATION AND WATER SUPPLY.”

Pursuant to the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby further amend Administrative Order No. 216 dated September 29, 1953, as amended by Administrative Order No. 199 dated May 24, 1956, by designating the following members of the Coordinating Committee therein created:

The Secretary of Public Works and Communications	Chairman
The Director of Public Works	Member
The General Manager, National Waterworks and Sewerage Authority.....	"
The General Manager, National Power Corporation.....	"
The Commissioner of Public Highways	"
A representative of the National Power Board.....	"
A representative of the Auditor General	"
A representative of the Secretary of Finance	"
A representative of the National Economic Council	"

Done in the City of Manila, this 12th day of April, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the eleventh.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **FORTUNATO DE LEON**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 240
CREATING A SPECIAL TAX REVISION COMMISSION FOR THE REVISION
OF REAL ESTATE TAXATION.

By virtue of the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby create a special commission, to be known as the Special Tax Revision Commission for the revision of real estate taxation, composed of the Secretary of Finance as Chairman, and the Secretary of Agriculture and Natural Resources, the Secretary of Education, the Commissioner of the Budget and the Technical Assistant, In-charge of Civil Affairs, Office of the President (or the Secretary of Interior, if the Department of the Interior is recreated), as members.

It shall be the duty and responsibility of the Commission to make a comprehensive investigation and study of the laws, practices and policies relating to or affecting the assessment, levy, and collection of real estate taxes in the Philippines, including the study of organizational patterns and personnel policies. More specifically, the following areas should be included:

I. Assessment

- Level of assessed values in relation to the legal standard.
- Extent of existing inequalities within provinces and cities, between provinces and cities, and between classes and types of property.
- Adequacy of the present schedule of values for tax purposes.
- Amount of taxable property omitted from the assessment roll, including legal, illegal, and extra-legal exemptions.
- Scope and application of tax exemption laws.
- Kind and adequacy of assessment records.
- Kind and adequacy of assessment equipment.
- Appraisal techniques now used.
- Administration procedures now employed.

II. The Levy

- Soundness of present tax rate limits.
- The policy of earmarking funds for special purposes.
- Control of local levies by the national government.
- Related problems:
 - Borrowing powers of local government.
 - Special assessment practices.
 - National grants.

III. Collections

- Initial collection methods.
- Follow-up collection methods.
- Delinquent collection methods.
- Foreclosure of tax liens.
- Installment payment plans.
- Audit and control procedures.

IV. Organization

- Calendar of assessment and collection.
- National government supervision and assistance.
- Intra-office organization.
- Assessment review process.

V. Personnel

- Recruitment, promotion and discharge.
- Supervision and training.
- Compensation.
- Tenure.

To the end that the work of the Commission be conducted expeditiously and competently, the Secretary of Finance is authorized to assign to the staff of the Commission such personnel now employed in the Department of Finance and in the local Treasury and Assessment services as he deems essential, and the Commission is likewise authorized to employ such additional personnel and to procure such equipment and facilities as it deems necessary.

All government departments and agencies are hereby ordered to make available to the Commission such records and information as may be requested by the Commission, or any member thereof, as well as suitable facilities for studying and analyzing such records or information.

The Commission shall complete its study and report its findings and recommendations to the President of the Philippines on or before December 31, 1957.

Done in the City of Manila, this 29th day of April, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the eleventh.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **FORTUNATO DE LEON**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 241

**AUTHORIZING THE AGRICULTURAL FIRE INSURANCE AND SURETY CO., INC.
TO BECOME A SURETY UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS
AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board, or body whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the AGRICULTURAL FIRE INSURANCE AND SURETY CO., INC. is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the AGRICULTURAL FIRE INSURANCE AND SURETY CO., INC., to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 6th day of May, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the eleventh.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **FORTUNATO DE LEON**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 242

**AUTHORIZING THE ASIAN SURETY & INSURANCE CO., INC. TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the ASIAN SURETY & INSURANCE CO., INC. is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the ASIAN SURETY & INSURANCE CO., INC. to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 9th day of May, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the eleventh.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **FORTUNATO DE LEON**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 243

**CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE ELEVENTH
ANNIVERSARY CELEBRATION OF THE REPUBLIC OF THE PHILIPPINES ON JULY 4, 1957.**

Pursuant to the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby create a National Committee to formulate plans and devise ways and means for the appropriate celebration of the Eleventh Anniversary of the Republic of the Philippines on July 4, 1957. The Committee shall be composed of the following:

Hon. Oscar Ledesma, Secretary of Commerce and Industry	Chairman
Hon. Raul Manglapus, Acting Secretary of Foreign Affairs	Vice-Chairman
Hon. Eduardo Z. Romualdez, Chairman, Rehabilitation Finance Corporation.....	Member
Hon. Juan de G. Rodriguez, Secretary of Agriculture and Natural Resources	"
Hon. Eulogio Balao, Secretary of National Defense.....	"
Hon. Agapito Braganza, Acting Secretary of Labor	"
Hon. Paulino J. Garcia, Secretary of Health.....	"
Hon. Martin Aguilar, Jr., Acting Secretary of Education	"
Hon. Juan Concon, Acting Administrator of Economic Coordination	"
Hon. J. V. Cruz, Press Secretary.....	"
Dr. Andres V. Castillo, Deputy Governor, Central Bank of the Philippines	"
Mr. Arsenio J. Jison, President, Philippine National Bank.....	"
Col. Osmundo Mondoñedo, Acting Administrator, ACCFA.....	"
The President, University of the Philippines	"
The President, Philippine Chamber of Commerce	"
The President, Chamber of Industries	"
The President, Manila Rotary Club	"
The President, Manila Junior Chamber of Commerce.....	"
The President, Lions Club of Manila	"
The President, National Press Club of the Philippines	"
The President, Civic Assembly of Women in the Philippines.....	"
The Secretary General, Philippine Association.....	"
Dr. Jose A. de Jesus	Member-Secretary

The Committee shall meet at the call of the Chairman and, for the purpose of discharging its functions, may create such sub-committee as may be necessary.

Done in the City of Manila, this 31st day of May, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the eleventh.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) FORTUNATO DE LEON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 244

**AUTHORIZING THE ALPHA INSURANCE & SURETY CO., INC. TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board, or body, whether executive, legislative, or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the ALPHA INSURANCE & SURETY CO., INC. is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorized the ALPHA INSURANCE & SURETY CO., INC., to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 31st day of May, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the eleventh.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **FORTUNATO DE LEON**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 245
REQUIRING MR. CONRADO C. MANAGO TO RESIGN AS JUSTICE OF THE PEACE
OF TANGUB, MISAMIS OCCIDENTAL.

This is an administrative case against Justice of the Peace Conrado C. Manago of Tangub, Misamis Occidental, for alleged ignorance of the law, oppression, abuse of authority, electioneering, misconduct, malpractice and falsification of public documents under eight counts. The case was duly investigated and from the evidence of record the following facts have been clearly established:

(1) That although there was no pending case in his court respondent issued a written order (Exh. B) directing the chief of police of Tangub to arrest any violator of Section 46 of the Election Code (prohibiting benefit performances during the two months preceding elections) and of Act No. 4075 (penalizing the holding of benefit entertainment without permit) out of spite against a certain Hermogenes Caylan arising from the latter's refusal to yield to his proposal that Caylan use, on a fifty-fifty sharing basis of the proceeds, a permit of the Tangub Women's Club, headed by his wife, to hold a benefit dance;

(2) That he ordered a policeman to arrest one Rodolfo Cabardo because the latter would not yield his seat to respondent's wife in a public conveyance;

(3) That he entered election precincts during a registration day in the company of a candidate for mayor and gave unsolicited opinions on the election law, giving rise to the suspicion that he was engaged in partisan political activity;

(4) That he refused to allow the prosecution in Criminal Cases Nos. 1788 and 1760 of his court—which happened to be assisted by lawyers belonging to a political party different from that of opposing counsel to which respondent also belonged before his appointment as justice of the peace—to present witnesses other than those listed in the complaint and to prove damages despite an allegation to that effect, in utter disregard or ignorance of Rules 112 (Sec. 1) and 107 (Sec. 1 [a]), respectively, of the Rules of Court.

The above-recited acts of respondent constitute abuse of authority, conduct unbecoming his office, and partiality or gross ignorance of the law which, taken together, render him unworthy of the office he holds.

In view of the foregoing, and upon the recommendation of the Secretary of Justice and the District Judge, Mr. Conrado C. Manago is hereby required to tender his resignation within five days from receipt of copy hereof. Should he fail to do so, he would be considered removed from office effective on the day following the expiration of said period.

Done in the City of Manila, this 3rd day of June, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the eleventh.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **FORTUNATO DE LEON**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 246
REMOVING MR. CESAR GONZALES FROM OFFICE AS JUSTICE OF THE PEACE
OF KANANGA, LEYTE.

This is an administrative case against Justice of the Peace Cesar Gonzales of Kananga, Leyte, who is charged with the following improper acts and conduct allegedly committed while he was acting municipal judge of Ormoc City from July 17, 1952, to March 14, 1953: (1) regular and unauthorized absences, (2) malversation of public funds, (3) illegal and unauthorized collection of funds, (4) wilful failure to pay just debts, (5) cashing a spurious check, (6) unethical and illegal practice of law, and (7) swindling a fellow lawyer. The case was investigated by the district judge who found the respondent guilty under charges (2) and (6) and innocent as to the rest. After a review of the record I agree with the investigator whose finding has been upheld by the Secretary of Justice.

It appears that during the period from September 5 to December 17, 1952, respondent as acting municipal judge of Ormoc City collected and received from different persons various sums totaling ₱208.20 as fines and legal fees which he failed to turn over to the city treasurer's office immediately or within a reasonable time after the collection; that when the irregularity was discovered by examiners of the auditing office he was asked by the assistant city auditor on February 28, 1953, to explain his failure to make the turnover and to make good the amounts involved; that after several demands by the auditor he paid ₱45 on March 11, 1953, and the balance of ₱163.20 six days thereafter; and that in view of this same irregularity respondent is now facing a criminal case for malversation in the Court of First Instance of Leyte.

Respondent's explanation that the money representing fines and legal fees had all along been in his office desk intact is unsatisfactory. The fact that it took him quite some time to turn over the money involved after having been required to make good the amount only goes to show that he had to look for money elsewhere to reimburse the Government.

It also appears that from April 19 to June 19, 1954, respondent received various sums ranging from ₱3.21 to ₱7.96 weekly from each of the branches of the Labor and Stevedoring Organization of Leyte as honorarium for being assistant legal counsel of that organization, which post he accepted and held without the permission of his superiors in violation of law and regulations (Sec. 77, Judiciary Act of 1948; Ex. Ord. No. 103, s. 1913; and Sec. 6, Civil Service Rule XIII).

His claim that he had no connection with the said labor organization from which he did not receive any compensation is likewise unsatisfactory. It has been duly established both by oral and documentary evidence that he was appointed as assistant legal counsel of the Labor and Stevedoring Organization of Leyte and received, personally or through his authorized representatives, various sums of money as his weekly shares in the income of the branches of that organization.

WHEREFORE, and upon the recommendation of the Secretary of Justice and the district judge, Mr. Cesar Gonzales, is hereby removed from office as justice of the peace of Kananga, Leyte, effective as of August 31, 1955, the date he was suspended from office by the district judge.

Done in the City of Manila, this 8th day of June, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the eleventh.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **FORTUNATO DE LEON**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 247
SUSPENDING FROM OFFICE CHIEF OF POLICE CELSO FERNANDEZ OF BASILAN CITY.

This is an administrative case against Chief of Police Celso Fernandez of Basilan City, for alleged (1) grave misconduct and oppression allegedly consisting of unfair evaluation of the efficiency of some members of the police force; incriminatory machinations in filing false and malicious charges against some of his subordinates; dereliction of duty in not supervising and inspecting policemen on their posts; non-cooperative attitude with the members of the police force; and toleration of law violations, resulting in the demoralization of the police department; (2) gross neglect of duty by effecting the release of an insane person under police custody resulting in the death of a policeman (brother-in-law of the insane); and (3) disobedience to the order of the Mayor, directing approval of the voucher for salary of Patrolman Dioscoro Nuñal.

The case was investigated by a special investigator of this Office who, after conducting a formal investigation, recommended the exoneration of the respondent of all the charges. He found, however, that there exists a strained relation between the City Mayor and the respondent, and recommended that the latter be exhorted to show utmost cooperation with the City Mayor and the latter to exercise utmost prudence towards the former.

After a careful review of the records of the investigation, I find no sufficient evidence to substantiate Charge No. (1). The respondent is therefore exonerated of this charge.

With respect to Charge No. (2), the evidence shows that about past noon on February 6, 1956, a certain Severino Cerena was arrested by the police in the act of threatening several persons with a knife; that upon his arrest, his brother-in-law, Patrolman Ricardo de la Paz requested the Assistant City Health Officer to examine his (Cerena's) mental condition; and that after the necessary examination, the health officer submitted his findings that the patient was answering questions with difficulty and incoherence, had history of emotional distress for one week, and exhibited belligerent attitude at times. The said health officer diagnosed his illness as one emanating from a psychosis of undetermined cause, and recommended his confinement by the police until his condition would improve. On the following day, his brother-in-law, Patrolman de la Paz requested his release, and the release was effected upon a written order of the respondent, without further examination by the health officer or any other physician. At about 2:00 p.m. on February 9, 1956, more or less three days after his release, he clubbed his brother-in-law to death.

Under the above circumstances, was the respondent negligent in releasing Cerena? In the case of *Picart vs. Smith*, 37 Phil. 809, the Supreme Court laid down the test for negligence as follows: "Would a prudent man, in the position of the person to whom negligence is attributed, foresee harm to the person injured as a reasonable consequence of the course about to be pursued?" In the instant case, could the respondent have foreseen harm to the public as a reasonable consequence of his releasing Cerena without further examination or certification by the local health officer of the former's sanity?

I am convinced that the respondent was negligent in releasing Cerena without having first consulted the City Health Officer as to the advisability of having him released. An ordinary prudent man could have foreseen the danger of releasing from custody a person like Cerena who had been certified to be insane and recommended by a physician to be confined.

As to Charge No. (3), it appears that on July 14, 1956, the Mayor issued Administrative Order No. 138, detailing Patrolman Dioscoro Nuñal in the Office of the Mayor for intelligence work effective July 23, 1956. His detail was actually effected on August 1, 1956. The respondent was aware of this order. As his name was not included in the payroll corresponding to the period from August 1 to 15, 1956, Patrolman Nuñal reported the matter to the Mayor, who, on August 14, 1956, wrote a letter to the respondent asking him to explain why the name of said patrolman was omitted in the said payroll. In his written reply dated August 18, 1956, the respondent stated that the name of Patrolman Nuñal was not included in the payroll because he was not accounted for and had not rendered service in the police department, and that Administrative Order No. 138 is null and void. Thus, the respondent disapproved the corresponding voucher for the salary of Patrolman Nuñal during the period from August 1 to 15, 1956, when it was presented to him for approval, on the ground that the said patrolman was considered missing and unaccounted for during the said period.

The above explanation of the respondent for the non-inclusion of Patrolman Nuñal's name in the payroll from August 1 to 15, 1956, and non-approval of his salary voucher for the same period, is not satisfactory. The respondent was aware of the existence of Administrative Order No. 138, detailing Patrolman Nuñal in the office of the Mayor for intelligence work and of the actual detail of the said patrolman in the Mayor's office. That the Mayor may detail any member of the city police force for duty in his office, is clear from the provisions of Section 8 of the City Charter, which states that he "shall have immediate control of the executive and administrative functions of different departments of the city." Even if the said Administrative Order No. 138 was not directed to the respondent, the latter could not escape the fact that there was such an order and that he knew of its existence. His refusal to sign the voucher was tantamount to a refusal to give effect to the order. Section 26, paragraph (d) of the same Charter provides: "He (Chief of Police) x x x shall, promptly and faithfully execute all orders of the mayor x x x." Undoubtedly, the respondent in not giving effect to Administrative Order No. 138 by refusing to approve the salary of the patrolman affected by said order, was guilty not only of violation of law but also of dereliction of duty.

I therefore find the respondent guilty of gross negligence in releasing from custody Severino Cerena, and of violation of law and dereliction of duty in refusing to recognize the authority of his superior, the City Mayor, to detail Patrolman Nuñal for duty in the Mayor's office.

Wherefore, Mr. Celso Fernandez is hereby suspended from office as Chief of Police of Basilan City for a period of one (1) month effective upon notice hereof, and directed thereafter to cooperate with the City Mayor, with warning that a repetition of the same or similar offense in the future will be more severely dealt with.

Done in the City of Manila, this 8th day of June, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the eleventh.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **FORTUNATO DE LEON**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 248
EXONERATING MR. VICENTE G. GELLA, TREASURER OF THE PHILIPPINES.

This is an administrative case against Mr. Vicente G. Gella, treasurer of the Philippines, for grave misconduct in office and neglect in the performance of duty on five counts which may be reduced to the following issues:

1. Whether Mrs. Pacita C. Gella and Mrs. Angelita G. Carlos, respondent's wife and daughter, respectively, purchased backpay certificates at discount rates exceeding 3 1/2% per annum, in violation of Republic Act No. 304 as amended and, if they did, whether it was with his knowledge; and
2. Whether the respondent, knowingly or through grave neglect, gave cause for the release of imported cigarettes from the customs premises without legal acceptance of the backpay certificates in payment of the specific taxes due thereon, thereby causing damage to the Government in the amount of ₱226,980 representing uncollected taxes.

The case was investigated by a special investigator of the Department of Justice, and both the prosecution and the defense were given ample opportunity to present their respective sides.

I

As to the first issue, the evidence shows that during the year 1953 Mrs. Pacita C. Gella, respondent's wife, purchased seven backpay certificates at a recorded total price of ₱6,555.91 and Mrs. Angelita G. Carlos, respondent's daughter, twenty-two backpay certificates at a recorded total price of ₱12,751.51; and that unlike Mrs. Gella, Mrs. Carlos later sold the backpay certificates acquired by her to other parties. It is claimed that the backpay holders were paid much less than what appeared in the deeds of assignment of rights executed by them.

After a careful study of the record, I find that the charge that respondent's wife and daughter bought backpay certificates at discount rates above that authorized by law has not been satisfactorily proven, much less that respondent knew that such purchases were tainted with illegality when he signed the negotiable certificates of indebtedness covering the transactions as head of the treasury bureau. There was no direct or indirect dealing between the backpay holders and respondent's kin, the latter having acquired the backpay certificates through one who had purchased them in his own right as a dealer therein and not as a mere agent of respondent's aforesaid relatives. If therefore the backpay holders did not actually receive the considerations reflected in the deeds of assignment executed by them, but much less as asserted, the irregularity cannot be attributed to respondent's relatives. With more reason respondent should not be blamed therefor, since his only participation was to sign the negotiable certificates of indebtedness after the pertinent papers had been duly examined and processed by his subordinates. Moreover, no complaint was ever made to him by any of the backpay holders that he had not received the consideration stated in the deed of assignment executed by him.

Respondent is therefore exonerated under this issue.

II

As to the second issue, it appears that during the period from October 1952 to January 1953 the respondent wrote to the Collector of Internal Revenue informing the latter of the serial numbers assigned “to the certificates of indebtedness to be issued” in favor of the backpay holders listed in the letters who had applied for said certificates to pay the specific taxes on imported cigarettes. Relying on said letters, the then Deputy Collector of Internal Revenue authorized the Commissioner of Customs to release the imported certificates, stating that the applications had been approved and the certificates of indebtedness issued. The practice all along was to release importations for which backpay certificates were applied in the payment of the taxes due thereon only upon the issuance of the certificates of indebtedness and submission thereof to the Bureau of Internal Revenue.

Considering that the Deputy Collector of Internal Revenue knew or should know that the issuance of certificates of indebtedness depended on compliance with certain regulatory requisites, namely existence of balances, indorsements and signatures of the backpay holders at the back of the certificates; and that the standing regulations of his office required all applications for the payment of specific taxes on imported cigarettes with backpay certificates to be accompanied with certificates of indebtedness duly indorsed and signed at the back thereof by the backpay holders and delivered to his office before said taxes were considered paid, it would seem that the greater blame for the resulting irregular releases of the imported cigarettes should be laid at the door of the then Deputy Collector of Internal Revenue for assuming, without clear justification, that the applications for the issuance of certificates of indebtedness had been approved and the certificates issued. Considering standing practice, he should have clarified from the respondent the meaning and import of his letters before authorizing the Commissioner of Customs to release the imported goods and giving the erroneous information that the applications for issuance of certificates of indebtedness had been already approved and the corresponding certificates of indebtedness issued.

However, respondent cannot escape some measure of responsibility for writing those letters with ambiguous, if not exactly misleading, import.

As to the claim that the respondent should have satisfied himself that the backpay holders were bona fide importers before accepting their applications for issuance of certificates of indebtedness to cover the taxes due on the imported cigarettes, I am inclined to agree with the respondent that this duty pertained more to the Bureau of Internal Revenue as the creditor office than to the treasury bureau. Neither should the respondent be blamed for any delay in the taking of final action on said applications, it appearing that the pertinent papers were seized from his office by intelligence operatives of the Department of Finance sometime in 1954 and were returned only in 1956.

To avoid further prejudice to the Government, the applications for issuance of certificates of indebtedness of the backpay holders concerned in payment of the specific taxes on the imported cigarettes should be accepted and given due course, if the same is legally possible, and any resulting balance still owing to the Government recovered from the bona fide importers concerned.

Respondent is also cleared but admonished under this issue.

Although in the backpay transactions involved the respondent and his relatives may have acted in the premises in utter good faith and in accordance with law, it is believed that in the light of what transpired in this case, where backpay holders appear to have been victimized by certain unscrupulous persons who have taken undue advantage of their financial difficulties, respondent should henceforth avoid his relatives from having anything to do in like transactions to obviate his involvement in similar unpleasant situations.

In view of the foregoing, the respondent is hereby exonerated from the charges with the admonition to be more careful in the future; otherwise a more drastic action will be taken against him.

Done in the City of Manila, this 26th day of July, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the twelfth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **FORTUNATO DE LEON**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 249
IMPOSING A FINE ON DEPUTY CIVIL AERONAUTICS ADMINISTRATOR
EMILIO M. ASISTORES.

This is an administrative case filed by the Civil Aeronautics Administrator against Deputy Civil Aeronautics Administrator Emilio M. Asistores who stands charged as follows:

1. That in 1947 he was dropped from the rolls of reserve officers in the Armed Forces of the Philippines (AFP) for having himself processed as captain when in fact he was only a first lieutenant, which dropping was equivalent to a dishonorable discharge;

2. (a) That he required nine laborers of the Civil Aeronautics Administration (CAA) to work during office hours in his house for 15 days without paying them but making them draw their pay from the office;

(b) That he used as private driver a CAA laborer who continued to collect salary from the office;

(c) That he collected ₱900 for the supposed hire of a private car for official use which he never hired, submitting falsified receipts to support the vouchers for reimbursement;

(d) That he charged and collected from the Government the sum of ₱667.10 for a private party given by him and his wife;

3. That he was suspended by the Bureau of Civil Service for dishonesty; and

4. That he defaulted in the payment of a personal obligation.

The case as investigated by a special investigator who submitted an exhaustive report thereon. From the evidence of record, I agree with him that respondent is liable only under charges 1, 2(a) and 2(c).

As to charge 1, it appears that upon the recommendation of the Chief of Staff, AFP, the respondent was dropped on December 9, 1947, from the rolls of the reserve force for having procured himself to be processed as captain on April 20, 1945, in Tolosa, Leyte, well knowing that he was only a first lieutenant, in violation of Article of War 97. There is no record from the AFP headquarters of any special order promoting him to captain nor of any request from him for the confirmation of his rank as such. He was proceeded against before a military court-martial for said alleged violation but the case was dismissed on the special plea of prescription interposed by the defense. Respondent was therefore saved from possible punishment by that plea which obviously did not mean that he was innocent of the acts charged for which he was still amenable administratively. However, it does not appear that his subsequent services were adversely affected by this lapse of his nor that an army rank was necessary for his present position.

Regarding Charge 2(a), the evidence shows that for a period of 15 days in January 1955, around nine laborers from the CAA worked in the private house of respondent in San Juan, Rizal, at least two of them during and after office hours and the rest after office hours; and that during the period involved all these laborers received their regular wages from the CAA. Although he did not personally ask the laborers to work in his house, the fact remains that he took advantage of their labor for purely private purposes by reason of his office. What is worse, some of the laborers worked in his house

on government time. Even if they did so without his knowledge, he could not escape his share of the responsibility therefor, as he should have guarded against that possibility. I am not convinced by respondent's claim that no laborers worked during office hours. Not only was he in no position to attest to that fact, but the attempts to tamper with the testimony of two laborers so that they would recant their damaging affidavits that they worked during office hours in respondent's house strongly militate against respondent's assertion.

With respect to charge 2(c), it appears that respondent collected ₱900 for the hire of a private car belonging to Fabian Hembrador in connection with the holding of two air international conferences in Manila where he acted as secretary-general. The hiring of the car appears irregular in that respondent never negotiated with the car owner but only with the latter's brother. The receipts submitted by the respondent to support payment of the car hire were not signed by the creditor as it was made to appear therein but apparently by his brother. In other words, the receipts presented by the respondent were falsified. Even if he did not know of the falsity, still, as a responsible official he should have seen to it that the receipts submitted by him in support of his reimbursement vouchers were genuine.

In view of the foregoing, the respondent is hereby fined in an amount equivalent to his salary for one month, reprimanded and warned that repetition of similar acts or omissions will be dealt with more severely.

Done in the City of Manila, this 30th day of July, in the year of Our Lord nineteen hundred and fifty-seven, and of the Independence of the Philippines, the twelfth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **FORTUNATO DE LEON**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 250
REPRIMANDING ASSISTANT CITY FISCAL ARSENIO ALCANTARA OF MANILA.

This is an administrative case against Mr. Arsenio Alcantara, Assistant City Fiscal of Manila, for partiality, abuse of discretion, malicious prosecution and incompetence, which was investigated by a special attorney of the Department of Justice.

These charges were the off-shoot of a complaint for nonpayment of wages filed with the Wage Administration Service (WAS) against Mr. Manuel Buenafe and his wife by their maid, Felisa Avancena, through her counsel, Atty. Ursula Dajao. Based on incidents which happened therein and in the PCAC where Avancena through Atty. Dajao also denounced the Buenafes, the latter filed with the City Fiscal's Office of Manila criminal charges for libel, perjury, oral defamation and threats to kill against Atty. Dajao and Avancena, all of which were assigned to Fiscal Alcantara for investigation. The Buenafes likewise filed a civil action for damages in the Court of First Instance of Manila against Atty. Dajao and Avancena for allegedly uttering certain defamatory words. In the civil case, Atty. Dajao presented a counterclaim for malicious prosecution and she also filed in behalf of her client a civil action against the Buenafes for the collection of unpaid wages. For lack of evidence, the civil action brought by the Buenafes against Atty. Dajao and Avancena was dismissed and Atty. Dajao was awarded ₱5,000 as damages plus attorney's fees of ₱500. The court also sentenced the Buenafes to pay Avancena her unpaid wages and court expenses.

After the preliminary investigation, Fiscal Alcantara prepared a memorandum recommending the dismissal of the criminal charges but before submitting the same to the City Fiscal for approval, he suggested to the parties an amicable settlement of their controversy. The settlement having failed, respondent reconsidered his views by filing in court two information for grave threats and grave oral defamation against Atty. Dajao alone, while dismissing the charges for libel and perjury. Before arraignment, Atty. Dajao requested a reinvestigation of the two cases which was granted. The cases were assigned to then Assistant City Fiscal Jose B. Jimenez who, after a reexamination of the evidence adduced, recommended the dismissal thereof which recommendation was approved by the City Fiscal.

Based on the actuations of Fiscal Alcantara during the preliminary investigation of the four criminal cases, the complainant herein, Atty. Dajao, has filed the instant administrative case against him. Complainant alleged that in filing the two informations for grave threats and grave oral defamation against her respondent acted with partiality, malice and grave abuse of discretion and also showed himself unfit to discharge the duties of his office. Respondent denied these charges, claiming that there was a prima facie case against complainant to warrant her prosecution and that if there was any doubt as to the sufficiency of the evidence, it was a matter for the court to decide.

The investigator found no evidence to substantiate all the charges except that of abuse of discretion, for which he recommended respondent's suspension for two months without pay.

With respect to the information for grave threats, respondent claims that he based the same on the testimony of one Pedro Ocampo, assistant to Mr. Buenafe in the Maritime Commission, that

complainant in the heat of anger stated in the presence of certain WAS officers and employees that “if Felisa Avancena will not get paid, they will kill the Buenafes.”

I agree in the findings of the investigator that the threatening statement just quoted is insufficient to establish a *prima facie* case against complainant, especially if considered in connection with the other facts and circumstances surrounding this case. The statement simply conveys the idea that Avancena and other persons sympathizing with her would kill the Buenafes if said maid were not paid her accrued wages. If complainant’s intention were to make herself a party to the killing, she would have used the term “we” instead of “they” in the statement “they will kill the Buenafes.” Moreover, I cannot give the credence to Ocampo’s statement, for aside from being uncorroborated, it was given by a subordinate in favor of his superior. Upon cross-examination, Ocampo admitted that he did not know to whom the word “they” referred. On the other hand, complainant denied having made such utterance and she was corroborated in this regard by a disinterested and credible witness.

Even admitting that complainant uttered those threatening words, she should have been charged only with “light” instead of “grave” threats because Ocampo testified that complainant uttered the same in the heat of anger and there is no evidence on record to show that she intended to carry said threat into execution. These extenuating circumstances were not taken into account by respondent in filling the information for grave threats against complainant.

As regards the information for grave oral defamation, respondent claims that it was based on the following testimony of Mr. Buenafe during the preliminary investigation of the four criminal cases:

“I was also requested to appear before the Presidential Complaints and Action Committee in Malacañang which I did to explain a charge that I maltreated a certain maid who used to work with us, that I did not pay her a single centavo, that we abducted her, we got her without the consent of her parents.”

In the information for grave oral defamation, respondent alleged that complaint uttered the following defamatory remarks against the Buenafes: “Savages, kidnappers, inhuman, impolite, cheaters, swindlers, criminals.” Respondent admitted that these defamatory words were not actually stated by Mr. Buenafe during the preliminary investigation but that he deduced the words “savages, criminals and inhuman” from the word “maltreated” used in Buenafe’s testimony; the terms “swindler, cheater and impolite” from the charge that Buenafe did not pay Avancena a single centavo; and the word “kidnapper” from the statement that he allegedly abducted the maid.

Respondent seeks to justify his actuation in this regard by explaining that in an information for oral defamation it is not necessary that the defamatory charge be made in direct terms but that it may be made by allusion, inference, or expressions of belief or opinion. In the light of the rule that in any prosecution for libel or oral defamation, the offensive expression must be set out verbatim, I consider the explanation of respondent unsatisfactory. And even if respondent’s contention were correct, I find the offensive words incorporated in the information for grave oral defamation too remote to be deduced from the aforequoted testimony of Mr. Buenafe and that the deductions made do not faithfully depict the actual words allegedly uttered by complainant.

While it is true that the subsequent dismissal of an information filed by a fiscal upon reinvestigation by another fiscal and the failure of the civil action arising therefrom do not by themselves establish abuse of discretion on the part of the fiscal filing the same, yet there may be abuse if the facts and circumstances surrounding this case are taken into consideration, such as: (1) the

memorandum of respondent recommending dismissal of the four criminal cases for insufficiency of evidence; (2) lack of additional evidence submitted after making the memorandum to justify a reversal of his previous stand; and (3) the proposition of counsel for the Buenafes made at the suggestion of respondent that the four criminal cases as well as the civil action for damages filed by the Buenafes would be withdrawn provided that the complaint of Avancena for unpaid wages were also withdrawn.

For the foregoing, I find that respondent committed abuse of discretion in filing the informations for grave threats and grave oral defamation against complainant and in alleging in the latter offensive words of more serious import than, and entirely different from, the words attributed to Dajao by Buenafe in his testimony during the preliminary investigation.

Wherefore, respondent is hereby reprimanded and warned that a repetition of similar acts would be dealt with more severely.

Done in the City of Manila, this 30th day of July, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the twelfth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **FORTUNATO DE LEON**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 251
CONSIDERING SHEIK COSAIN NAGA, MAYOR OF MARAWI (DANSALAN) CITY,
AS RESIGNED FROM THE SERVICE.

This is an administrative case against Sheik Cosain Naga, Mayor of Marawi (formerly Dansalan City), who is charged with the following:

- (1) Utilizing the services of prisoners in the construction of his house and performing menial tasks.
- (2) Ordering his maids to get fish and household necessities from market collectors.
- (3) Utilizing the services of Julio Molina, then a policeman, as driver of a government car to conduct him to Iligan City for recreational purposes; bringing the respondent's family outside the city limits to visit relatives and to campaign in Baloi, Lanao.
- (4) Ordering Tindug Mindalano, then a policeman, to accompany him to Baloi, Lanao for three days to campaign in the 1955 elections, using a government car and collecting per diems.
- (5) Using government trucks to haul gravel to his residence.
- (6) Permitting the construction or placing of stalls on the street in the Dansalan City Bi-weekly market.
- (7) Nepotism.

For insufficiency of evidence, charges nos. 2, 5, 6 and 7 are hereby dismissed.

With respect to the charge of utilizing prisoners in the construction of his house and requiring them to do menial tasks such as sweeping and scrubbing the floor, the evidences of record are contradictory. The witnesses of the complainants namely, Tindug Mindalano, Calandada Mangadang and Didaagun Mondas, former policemen of Dansalan, who were dismissed by the respondent, declared that while they were still policemen in the City of Dansalan they guarded prisoners who were working in the house of the respondent doing odd jobs such as scrubbing, digging a pit for the toilet, carrying lumber boards, etc. Another witness, Constancio Villarasa, also testified having seen the respondent watching the policemen and the prisoners doing the cement work in his (respondent's) house.

On the other hand, the witnesses of the respondent testified otherwise. Pasagui Mangindiri, an ex-prisoner cited by complainants' witnesses to have worked in the respondent's house declared that he does not remember having worked in the respondent's house while he was still a prisoner, and that Policemen Mindalano, Mondas and Mangadang never guarded him outside of the city jail. Amir Kurot, lieutenant of the Dansalan police force testified that contrary to Villarasa's testimony that he recognized the prisoners working because of their uniform, averred that prisoners in the city jail were never provided with uniforms. Mangacup Macadato, police captain, also testified that since 1948, city prisoners had no uniform. Sheik Abdul Racunan Pacasun, father-in-law of the respondent, testified that he owns the newly-constructed house now occupied by the respondent and denied the employment of prisoners in its construction, particularly the digging of the toilet pit.

I have noted that the ex-policemen who testified against the respondent admitted having grudges against the latter for removing them from the service. Coupled with some inconsistencies and

contradictory statements they made on substantial details, I entertain serious doubts as to the veracity of their testimonies. On the other hand I find no reason to doubt the credibility of the witnesses of the respondent.

In view thereof, I am constrained to dismiss this charge against the respondent.

Charges (3) and (4) are essentially the same. The respondent is charged with dishonesty for using a government vehicle and gasoline other than for official purposes, and collecting per diems while out of his official station.

The evidence of record discloses that the respondent went to the municipality of Baloi, Lanao, several times shortly before the 1955 elections to help campaign for his father-in-law who was a candidate for mayor of the said municipality. He used the car owned by the City of Dansalan during the campaign and received from the city reimbursements for the gasoline used during the campaign. The same car was also used by the respondent and his family in going to Iligan City for recreation purposes and to several other places in the province of Lanao while campaigning for certain senatorial candidates.

These facts are sufficiently established not only by oral testimony but by documentary evidence. Exhibits 1, 2, 3 and 4 are city vouchers reimbursing the respondent in the aggregate amount of ₱573.58 for gasoline consumed, per diems and other expenses of travel covering the period from September 28 to November 8, 1955. These vouchers are supported by Transportation Orders and Records of Travel, eleven of which carry the certificate of the respondent to the effect that the transportation was used for campaigning for senatorial candidates in different places in the province of Lanao.

The respondent admitted having made trips outside the City of Dansalan using his official car but that he always had some official business to transact and that the campaigning was merely incidental. He further explained that the travel orders in question were not personally prepared by him.

I find this explanation not satisfactory. When he affixed his signature on the vouchers not personally prepared by him, he should have exercised reasonable care that they are accurate and exact.

For such neglect I therefore find him guilty of dishonesty thru negligence. Wherefore, Sheik Cosain Naga is hereby considered resigned as Mayor of Marawi City effective as of the date of his suspension.

Done in the City of Manila, this 15th day of August, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the twelfth.

(Sgd.) CARLOS P. GARCIA

By the President:

(Sgd.) FORTUNATO DE LEON

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 252
CREATING A COMMITTEE TO INVESTIGATE ALLEGED ANOMALIES IN ALL
SETTLEMENTS OF THE NATIONAL RESETTLEMENT AND REHABILITATION
ADMINISTRATION.

A committee is hereby created to investigate alleged anomalies in all settlements of the National Resettlement and Rehabilitation Administration, composed of the following:

A representative of the Solicitor General.....	Chairman
A representative of the Judge Advocate General, Armed Forces of the Philippines ..	Member
A representative of the Secretary of Agriculture and Natural Resources.....	"
A representative of the Auditor General	"
A representative of the Director, National Bureau of Investigation.....	"

For the purpose of the investigation, the committee is hereby granted all the powers of an investigating committee under Sections 71 and 580 of the Revised Administrative Code, including the power to summon witnesses, administer oaths, and take testimony or evidence relevant to the investigation. The committee is also empowered and authorized to call upon any department, bureau, office, agency or instrumentality of the Government for such information as it may require in the performance of its work, and, for the purpose of securing such information, it shall have access to, and the right to examine, any books, documents, papers, or records thereof.

The committee shall submit its report and recommendations to the President of the Philippines as soon as possible.

Done in the City of Manila, this 18th day of September, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the twelfth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **FORTUNATO DE LEON**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 253

EXONERATING MESSRS. SERGIO OSMEÑA, JR., FRUCTUOSO B. CABAUG AND PEDRO UY CALDERON, FORMER PROVINCIAL GOVERNOR AND BOARD MEMBERS, RESPECTIVELY, OF THE PROVINCE OF CEBU.

This is an administrative case filed by Messrs. Ramon Durano, Isidro Kintanar and Miguel Cuenco against Mr. Sergio Osmeña, Jr., in his capacity as Provincial Governor of Cebu and Messrs. Fructuoso B. Cabahug and Pedro Uy Calderon, Provincial Board Members of the same province, and Pablo L. Fernan, Administrator of Real Estate in the Office of the Provincial Governor of Cebu, for dishonesty and grave misconduct in office allegedly committed in connection with the execution of a Deed of Exchange involving certain parcels of land by and between the province of Cebu and the Cebu Heights Co., Inc., of which the respondent, Sergio, Osmeña, Jr., is the President and principal stockholder.

Paragraph 1 of the amended complaint alleges that between August 1, 1952 and up to the date of the filing of the complaint, the respondents conspired and cooperated with each other for the purpose of facilitating the successful execution of the plan of Mr. Sergio Osmeña, Jr., both in his capacity as Provincial Governor of Cebu and as President and principal stockholder of the Cebu Heights Co., Inc., to realize huge profits at the expense of the province of Cebu culminating in the execution of the aforesaid deed of exchange whereby three (3) big lots belonging to the province of Cebu were conveyed to the Cebu Heights Co., Inc., in exchange for fourteen (14) smaller lots which form part of two national roads in the City of Cebu for the last eighteen years, and causing the province to suffer damage amounting to ₱359,580.00.

The negotiation for the exchange of the lots actually started way back in 1936 when the Provincial Governor and the Provincial Treasurer of Cebu proposed to widen Jones Avenue and P. Rodriguez Street so that the proposed capitol building can easily be seen from a distance. As the province was not in a position to purchase the lots to be used in the widening of the streets, it was agreed that the lots to be acquired would be exchanged with lots of the same value belonging to the Province of Cebu. Thus, the Cebu Heights reserved fourteen (14) lots for this purpose. In 1940, the province of Cebu proceeded with the widening of the Jones Avenue and the portion of P. Rodriguez Street fronting the Provincial Capitol by utilizing said fourteen (14) lots. On May 21, 1941, the Provincial Board of Cebu passed Resolution No. 838, proposing to exchange certain lots of the Province of Cebu with the said lots of the Cebu Heights Co., Inc., needed by the province for the beautification of the site surrounding the Capitol Building and for the proposed park behind the capitol. Before the exchange could be consummated, World War II broke out. After liberation, negotiations were again resumed which culminated in the adoption of Resolution No. 1097 on November 5, 1954, wherein the Provincial Board authorized the conveyance of certain lots owned by the province of Cebu in favor of the Cebu Heights, in exchange for the fourteen lots owned by the latter, which were taken over by the province in 1940. The deed of exchange was executed on November 24, 1954, by and between Acting Governor Cabahug representing the province of Cebu, and Atty. Jose L. Rodriguez in behalf of the Cebu Heights

Co., Inc. Governor Osmeña did not take part in the transaction as he was then abroad having left this country on September 6, 1954 and returned only on December 3, 1954.

There is no evidence showing that Governor Osmeña participated in the deliberations of the Board during its sessions when the proposed exchange of the properties of the province of Cebu and that of the Cebu Heights Co., Inc. was under discussion. Neither has it been proved that the other members of the Board and Real Estate Administrator Fernan possess pecuniary interest in the Cebu Heights Co., Inc. The respondents, therefore, were not guilty of any misfeasance or malfeasance in office, much less of dishonesty.

Wherefore, they are hereby exonerated of the charges against them.

The Deed of Exchange which was submitted to this Office for approval pursuant to Section 2068 of the Revised Administrative Code, which is assailed in the complaint, deserves serious consideration. There is a wide divergence of opinion as to the values of the properties involved in the exchange. The complainants allege that the value of the lots owned by the Cebu Heights Company has been inflated while those of the province deflated. At the bottom of this charge is the suspicion that the City Appraisal Committee and the Real Estate Administrator did not use their judgment freely but acted under the respondents' influence.

While there is no evidence showing that the respondents connived with or unduly influenced the members of the City Appraisal Committee in assessing the lots owned by the province at a very low rate and those of the Cebu Heights at a higher rate, nevertheless, because of the disparity of the values of the properties involved, and in order to uphold the integrity of the administration and do away with the suspicion which may or may not be justified, I am constrained to withhold action on the deed of exchange executed on November 24, 1954, between the province of Cebu and the Cebu Heights Co., Inc. I cannot entirely disregard the justice and equity of the claim of the Cebu Heights Co. to be compensated in kind for the lands taken by the province, especially as the said company had previously donated gratuitously to the province of Cebu a valuable tract of land with an area of 67,000 square meters on which the capitol building now stands.

In view of the foregoing, I am creating a committee in a separate Order of even date, for the purpose of determining the fair and reasonable value of the properties involved, the findings of which will serve as basis for action on the contract of exchange in question or for the execution of another contract of exchange between the province of Cebu and the Cebu Heights Co., Inc.

Done in the City of Manila, this 7th day of October, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the twelfth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) FORTUNATO DE LEON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 254
CREATING THE CEBU SPECIAL APPRAISAL COMMITTEE

By virtue of the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby create a committee to be known as the Cebu Special Appraisal Committee, whose sole function shall be to fix and determine the fair and reasonable value of the lots involved in the proposed exchange between the province of Cebu and the Cebu Heights Co., Inc., located in Cebu City, the technical description of which may be found in the Deed of Exchange executed on November 24, 1954, between the province of Cebu and the Cebu Heights Co., Inc.

The Committee shall be composed of the following:

- A representative of the Secretary of Finance, Chairman
- A representative of the Rehabilitation Finance Corporation, Member
- A representative of the Philippine National Bank, Member

The Committee is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the government, or any official or employee thereof, and real estate owners in the City of Cebu, for any assistance in the performance of its function.

The Committee shall submit its findings and recommendation to the undersigned as soon as practicable, furnishing copies thereof to the Provincial Board of Cebu and the Cebu Heights Co., Inc., for their information and guidance.

Done in the City of Manila, this 7th day of October, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the twelfth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) FORTUNATO DE LEON
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1957). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

RESIDENCE OF THE PRESIDENT OF THE PHILIPPINES
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 255
CREATING A COMMITTEE TO TAKE CHARGE OF THE INAUGURATION OF THE
PRESIDENT AND THE VICE-PRESIDENT OF THE PHILIPPINES ON DECEMBER 30, 1957.

By virtue of the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby create a Committee to take charge of the inauguration of the President and the Vice-President of the Philippines on December 30, 1957. The Committee shall be composed of the following:

Hon. Jaime Hernandez	}	Co-Chairmen
Hon. Manuel Lim		
Hon. Quintin Paredes		Member
Hon. Lorenzo Tañada		"
Hon. Bartolome Cabangbang		"
Hon. Cornelio Villareal		"
Hon. Isidro S. Rodriguez		"
Hon. Fortunato de Leon		"
Hon. Arsenio N. Luz		"
Hon. Nicasio Osmeña		"
Mr. Aguinaldo Maaba		Secretary

The Committee shall meet at the call of either of the Chairmen and, for the purpose of discharging its functions, may create such sub-committees as may be necessary.

The Committee is hereby empowered to call upon any department, bureau, office, agency or instrumentality of the Government for such assistance, data and information as it may need in discharging its duties.

Done in the City of Manila, this 27th day of November, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the twelfth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **FORTUNATO DE LEON**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

RESIDENCE OF THE PRESIDENT OF THE PHILIPPINES
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 256

**ADMINISTRATIVE ORDER CREATING A COMMITTEE TO TAKE CHARGE OF THE
FUNERAL ARRANGEMENTS AND BURIAL OF THE HONORABLE FRANCIS BURTON
HARRISON, FORMER GOVERNOR-GENERAL OF THE PHILIPPINES**

WHEREAS, the Honorable Francis Burton Harrison, former Governor-General of the Philippines, died on Thursday November 21, 1957, at the Hunterdon Medical Center, Flemington, New Jersey, U.S.A.;

WHEREAS, the deceased former Governor-General expressed his wish to be buried in the Philippines;

WHEREAS, former Governor-General Francis Burton Harrison was made a citizen of the Philippines with all the rights, duties, privileges, and prerogatives of Filipino citizenship by virtue of Commonwealth Act No. 79 enacted by the First National Assembly on October 26, 1936, in recognition of his “very deep interest in the welfare of the Filipino people and profound sympathy for their aspirations for independence;” and

WHEREAS, it is but fitting and proper that adequate arrangements be made for the holding of official necrological services and a state funeral for the former Governor-General, in keeping with the people’s love and respect for him and in recognition of his services to our people and country in hastening the Filipinization of the Philippine Government and accelerating eventual independence.

NOW, THEREFORE, I, Carlos P. Garcia, President of the Philippines, by virtue of the powers vested in me by law, do hereby create a Committee on Funeral Arrangements and Burial, composed of the following:

Hon. Jesus Vargas	Chairman
Hon. Florencio Moreno	Member
Hon. Francisco Delgado	Member
Hon. Miguel Cuenco.....	Member
Hon. Ferdinand Marcos.....	Member
Hon. Gregorio Licaros.....	Member
Mr. Aguinaldo Maaba.....	Secretary

Done in the City of Manila, this 27th day of November, in the year of Our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the twelfth.

CARLOS P. GARCIA
President of the Philippines

By the President:
(Sgd.) **FORTUNATO DE LEON**
Executive Secretary

Source: Presidential Museum and Library

Garcia, C. P. (1957). Administrative Order No. 256: Administrative Order creating a Committee to take charge of the funeral arrangements and burial of the Honorable Francis Burton Harrison, former Governor-General of the Philippines. *Official Gazette of the Republic of the Philippines*, 53(23), 8425.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 257

CONSIDERING MISS LUMEN POLICARPIO RESIGNED FROM OFFICE AS EXECUTIVE
SECRETARY OF THE UNESCO, PHILIPPINES.

This is an administrative case against Miss Lumen Policarpio, executive secretary of the UNESCO, Philippines, who has been charged by Miss Herminia D. Reyes, a former employee of said office, with the following:

- (a) Malversation of public property through the use of stencil and equipment belonging to the UNESCO for her private purposes;
- (b) Conduct unbecoming a lady and a public official;
- (c) Incompetence;
- (d) Mental dishonesty;
- (e) Malversation of public funds through misrepresentation of facts; and
- (f) Malversation of public funds through falsification of public document.

The case was investigated by a special investigator of this Office who received formal evidence from both the complainant and the respondent as to charges (a) and (f). The other charges wherein the parties agreed to submit proofs by memoranda may be deemed unsubstantiated and therefore considered dropped.

CHARGE (a)

It appears that the respondent ordered the typing and stenciling during office hours of French lessons for her private needs by personnel of the office, using for the purpose office stencil and mimeograph machine. The stencil used cost around ₱2.

Respondent explained that the stencil used belonged to her, having been supplied by the Alliance Franchise; that the employees volunteered their services when they saw her chauffeur doing the work; and that part of the work done was for the League of Women Voters, which must be considered official in nature because that organization is an affiliate and instrumentality of the UNESCO.

From the foregoing, I agree with the Investigator that the respondent is guilty of using office equipment and laborers during office hours for her private benefit.

CHARGE (f)

The record shows that on August 19, 1955, respondent went to Baler, Quezon, to represent the then President Magsaysay on the occasion of the celebration of the birthday of the late President Quezon. In going to, and coming back, from Baler she used a Philippine Air Force plane. While in Baler she and her party were guests of the townspeople who served them food. Nevertheless she submitted a voucher and collected reimbursement for gasoline expenses for her car for the Baler trip and for meals and subsistence.

The above facts are admitted by the respondent. She explained, however, that although she used a plane, she nevertheless ordered her car to go to Baler because she feared that she would be benighted there and she wanted to visit a UNESCO project in Nampicuan, Nueva Ecija. She also claimed that she would not swindle the Government of the insignificant amount involved as she had been spending her own money for official purposes.

I am not impressed by respondent's explanation. The project alluded to by her was non-existent, there having been no personnel or site yet. Before leaving for Baler she was apprised of the bad conditions of the road and that the trip would take at least five hours one way. There was no need for her car to make the trip because the plane which brought her to Baler was at her disposal. No reason was offered why she abandoned her alleged projected trip to Nampicuan, which would have taken her farther out of her way. Moreover, there is ample evidence to show that her car was at the Manila airport at six in the evening of the same day when she arrived from Baler.

The amount involved here was around ₱62. To justify her right to collect it, she presented a letter from the then Auditor General Manuel Agregado. However, the circumstances surrounding the issuance of said letter cannot but lead one to believe that it was issued much later than its date in order to accommodate respondent. When complainant prayed for an analysis by the National Bureau of Investigation to determine its true date, respondent promised to present Mr. Agregado on the witness stand but she failed to do so, thus giving rise to the presumption that her testimony would have been adverse.

As to her claim that she would not swindle the Government of such insignificant sum because she had been spending from her own pocket for official and extraofficial purposes of the UNESCO, the fact is in most cases she has been reimbursed for such expenses, except when she went to Montevideo as alternate delegate and secretary of the Philippine delegation to the UNESCO meet there, because the understanding was that she was to bear her own expenses.

From the evidence adduced I am inclined to agree with the Investigator that the voucher wherein she collected reimbursement for expenses in going to Baler was falsified.

In view of the foregoing, Miss Lumen Policarpio is hereby considered resigned from office as executive secretary of the UNESCO, Philippines, effective as of the date of her preventive suspension.

Done in the City of Manila, this 20th day of Dec., in the year of our Lord, nineteen hundred and fifty-seven, and of the Independence of the Philippines, the twelfth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) FORTUNATO DE LEON
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1957). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 258
CREATING A COMMITTEE TO TAKE CHARGE OF THIS YEAR'S CELEBRATION
OF TRAFFIC SAFETY WEEK AND SAFE-DRIVING DAY.

WHEREAS, Proclamation No. 242 dated January 9, 1956, declared the period from February 22 to 28 (or 29), inclusive, of every year as Traffic Safety Week and March 1st of every year as Safe-Driving Day;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby create a committee to take charge of this year's celebration of Traffic Safety Week and Safe-Driving Day. The committee shall be composed of the following:

Hon. Rafael Contreras, Undersecretary of Public Works and Communications ...	Chairman
Col. Leopoldo L. Acot, Chief, Traffic Control Group, P.C.....	Member
Col. Telesforo Tenorio, Chief, Manila Police Department	"
Atty. Ruben Villaluz, Chief, Motor Vehicles Office	"
Mr. Benito Legarda, President, Philippine Motors Association	"
Mr. Eduardo Escobar, President, Manila Lions Club	"
Mr. Francisco Delgado, President, Manila Rotary Club.....	"
Mr. Alfonso Yuchengco, President, Manila Jaycees	"
Mr. Frank S. Tenny, President, Philippine Safety Council	"
Mr. Rodolfo Maslog, Commissioner of Public Highways.....	"
Capt. Leonor Reyes, Operation Officer, Traffic Control Group, P.C.	Secretary

The committee is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the government, including government-owned or controlled corporations, for such assistance or information as it may need in the performance of its duties.

Done in the City of Manila, this 18th day of February, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the twelfth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 259

CREATING A COMMITTEE TO TAKE CHARGE OF THE OBSERVANCE OF THE FIRST
DEATH ANNIVERSARY OF PRESIDENT RAMON MAGSAYSAY AND HIS COMPANIONS

WHEREAS, it is fitting and proper that we observe the first anniversary of the death of President Ramon Magsaysay on March 17, 1958;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, do hereby create a committee to take charge of the commemoration of the first death anniversary of President Ramon Magsaysay and his twenty-five companions to be composed of the following:

Hon. Juan C. Pajo	Chairman
Hon. Jesus Vargas.....	Vice-Chairman
Hon. Manuel Lim	Member
Hon. Emmanuel Pelaez	"
Hon. Sergio Osmeña, Jr.	"
Hon. Fred Ruiz Castro	"
Hon. Manuel Barretto.....	"
Hon. J. V. Cruz	"
Mr. Francisco C. Dipasupil.....	"

Done in the City of Manila, this 21st day of February, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the twelfth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) JUAN C. PAJO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 260
REMOVING MR. AGRIPINO M. ENSOY, JUSTICE OF THE PEACE OF PALOMPON, LEYTE.

This is an administrative case against Mr. Agripino M. Ensoy, justice of the peace of Palompon, Leyte, who is charged with (1) willful negligence and abuse of authority, (2) promoting litigations (3) soliciting bribes, (4) extorting excessive amounts from claimants for benefits, (5) unprofessional conduct and (6) falsification of public documents. The case was investigated by the District Judge who found the respondent guilty under the fourth charge.

The complaint alleges among other things that about the month of February 1952 respondent collected approximately one-half of the amount of a check for ₱200, and demanded around one-third of the face value of another check for ₱2,070, issued by the United States Veterans Administration (USVA) in favor of Eduarda Gasing as heir and beneficiary of her late son, Joaquin Villaflor, in violation of the provisions of Republic Act No. 145.

It appears that in 1949 Eduarda Gasing Vda. de Villaflor filed, in her own behalf and that of Aurelia Villaflor, a claim with the United States Veterans Administration for benefits because of the death of Joaquin Villaflor (her son and father of Aurelia Villaflor, who died as a soldier during the last world war. She was assisted in the preparation of the pertinent papers and prosecution of the claim by the respondent, then as now justice of the peace of Palompon, Leyte.

Eduarda Gasing testified that the respondent received from the post office of Palompon, Leyte, her USVA initial check for ₱200 which they, together with respondent's wife, cashed in Tacloban City. After the check had been cashed, respondent received the money and gave Gasing ₱100, retaining for himself the balance of ₱100. She also testified that sometime in February 1952 while she was living in Villaba, Leyte, the USVA sent her another check for ₱2,070. She went to Palompon at the house of the respondent, showed him the check and told him that she wanted to have it cashed. Respondent accompanied her to the store of a Chinaman named Diong and, after a short conversation between the respondent and the Chinaman, Gasing thumbmarked the check. The Chinaman then got paper bills and counted them on the table inside the store. Respondent got hold of all the bills and gave her a part thereof which, upon being counted in her presence by Numeriana Gulani in the latter's house where she was staying while in Palompon, turned out to be only ₱1,200. Gasing told Gulani that the check was for ₱2,070. When Gulani asked for the rest, Gasing said that it was taken by the respondent.

Respondent in his answer denied having obtained the amounts stated by Eduarda Gasing, claiming that he only got what was strictly allowed by law. As to the ₱200 check, he admitted during the investigation that he got from Gasing ₱50 for their actual and necessary expenses in going to Tacloban City and back. From said sum, he explained, ₱26 corresponded to his lost salary as justice of the peace, for being absent for two days at the rate of ₱8 a day, and loss of notarial fees at ₱5 a day due to his same absence from Palompon.

As to the ₱2,070 check, he claimed that what his wife received from Gasing was ₱25 only in payment of a debt; that when said check was cashed he was in Cebu City; and that if she received only

₱1,200 it was because she had used the balance in paying certain persons and buying clothes and other things from the Chinaman who had cashed the check.

From respondent's own admission, it is clear that he collected ₱26 from Gasing's initial check of ₱200 for his personal services. As held by the District Judge, it was improper for respondent to collect ₱16 for his salary for two days' absence because he was entitled to thirty days' vacation and sick leave with pay every year. Neither was he justified in collecting ₱10 for loss in notarial fees because he is not authorized by law to collect for himself any amount as notary public *ex officio*. Under Section 252 of the Revised Administrative Code, all his collection as such should be accounted as for government funds. In view thereof, I find the respondent guilty of violation of Republic Act No. 145 which limits to ₱20 the maximum amount that may be received by an individual for assisting a claimant for benefits under the United States laws.

With respect to the check for ₱2,070, I agree with the District Judge that the evidence for the complainant deserves more weight and credit than the respondent's. His defense that he was in Cebu City when said check was cashed in the store of Chinaman Diong on February 18, 1952, is puerile and unconvincing. Mrs. Ensoy was not even presented to refute the claim of Eduarda Gasing, an illiterate septuagenarian, who was corroborated by Numeriana Gulani. The District Judge was convinced, and so am I, that respondent received much more than ₱20 as authorized by Republic Act No. 145, which seals the case against him.

The Secretary of Justice in his report states:

“After a careful review of the record of the investigation, I find from the evidence that the charge for violation of Republic Act No. 145 has been substantially established. And considering the immense amounts the respondent charged and received from the claimant in relation to the amounts collected, his perjury in connection with this count, and the fact that this is a criminal offense for which he is being prosecuted, as we have been informed, I am of the opinion that the respondent should be removed from office, instead of merely suspended for three months, as recommended by Judge Debuque. It is so recommended. This recommendation disregards the other charges regarding some of which there are signs of guilt.”

I agree with the Secretary of Justice. It may be added that other officials before the respondent have been separated from the service for similar wrongdoing.

WHEREFORE, and upon the recommendation of the Secretary of Justice, Mr. Agripino M. Ensoy is hereby removed from office as justice of the peace of Palompon, Leyte, effective upon receipt of a copy of this order.

Done in the City of Manila, this 4th day of March, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the twelfth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 261
REQUIRING MR. EUFEMIO H. GUAMOS TO RESIGN AS JUSTICE OF THE PEACE
OF DONSOL, SORSOGON.

This is an administrative case against Mr. Eufemio H. Guamos, justice of the peace of Donsol, Sorsogon, which arose from a complaint filed by Mr. Alfredo Hoelzl charging the respondent with (1) ignorance of the law, (2) partiality, (3) bribery and (4) habitual drunkenness or conduct unbecoming a justice of the peace. The charges were investigated by the district judge who found them without merit except the last. After a review of the record the Secretary of Justice and I agree with the investigator's findings.

In the years 1950 and 1951, it appears that respondent and his friends used to drink strong liquor in his office and courtroom; that during a registration day he and some companions went to a polling place and drank wine which they had brought along; that oftentimes he was seen drunk in the streets of Donsol; that he was also seen drunk, zigzagging and vomiting, in other public places during special occasions; and that at one time he moved his bowels in public because of drunkenness.

Respondent's claim that he was never drunk in all his life and that when forced to drink he would simply dip his lips and tongue and return the glass is untenable in the face of the positive and convincing testimony of several eye-witnesses to his drunken state on many an occasion.

By his proven conduct, obviously notorious and reprehensible, the respondent does not deserve to remain in the judiciary where only men of strong personal character and upright conduct have a right to be. He has not only created public scandals and exposed himself to public ridicule and contempt but has also violated the sanctity of his courtroom where public justice is administered, thereby impairing the people's respect for his person and undermining their faith and confidence in his office.

WHEREFORE, Mr. Eufemio H. Guamos is hereby required to resign as justice of the peace of Donsol, Sorsogon, within five days from receipts of a copy of this order. Should he fail to do so, he would be considered removed from office effective on the day following the expiration of the period given.

Done in the City of Manila, this 7th day of March, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the twelfth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

RESIDENCE OF THE PRESIDENT OF THE PHILIPPINES
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 262

AMENDING ADMINISTRATIVE ORDER NO. 13, SERIES OF 1954, STANDARDIZING SALARIES FOR RANKING POSITIONS IN THE PROVINCIAL AND CITY GOVERNMENTS.

Pursuant to the provisions of Paragraph 4, Executive Order No. 405, series of 1951, implementing Section 3, Executive Order No. 383, series of 1950, and upon recommendation of the Secretary of Finance, I, CARLOS P. GARCIA, President of the Philippines, do hereby prescribe the following standard rates of compensation for ranking positions in the provincial and city governments not otherwise fixed by law:

	Classes of Provinces						
	1st	2nd	3rd	4th	5th	6th	7th
1. OFFICE OF THE PROV. GOVERNOR							
Chief Clerk or Adm. Officer	4500	4200	3960	3720	3480	3300	3120
Private Secretary	4200	3960	3720	3480	3300	3120	2940
Asst. Chief of Division	3120	2940	2760	2580	2400	2280	2160
Deputy Governor or Agent	2760	2580	2400	2280	2160	2040	1920
Chief Division	3480	3300	3120	2940	2760	2580	2400
Asst. Chief of Division	3300	3120	2940	2760	2580	2400	2280
Chief of Section	2580	2400	2280	2160	2040	1920	1800
<u>Jail</u>							
Warden	3120	2940	2760	2580	2400	2280	2160
Lieutenant	2040	1920	1800	1680	1560	1440	1440
Sergeant	1920	1800	1680	1560	1440	1440	1440
Private	1680	1560	1440	1440	1440	1440	1440
<u>OFFICE OF THE PROVINCIAL BOARD</u>							
Secretary	5100	5100	4800	4560	4120	4080	3900
2. OFFICE OF THE PROV. TREASURER							
Administrative Deputy	4500	4200	3960	3720	3480	3300	3120
Senior Deputy	3300	3120	2940	2760	2580	2400	2280
Junior Deputy	3120	2940	2760	2580	2400	2280	2160
Market Administrator	3300	3120	2940	2760	2580	2400	2280
<u>Chief of Division</u>							
Accounting	3720	3480	3300	3120	2940	2760	2580
Cash	3720	3480	3300	3120	2940	2760	2580

Property	3720	3480	3300	3120	2940	2760	2580
Land Tax	3480	3300	3120	2940	2760	2580	2400
Internal Revenue	3300	3120	2940	2760	2580	2400	2280
Asst. Chief of Division	3120	2940	2760	2580	2400	2280	2160
Chief of Section	2760	2580	2400	2280	2160	2040	1920
<u>3. OFFICE OF THE PROV. AUDITOR</u>							
Senior Clerk	4500	4200	3960	3720	3480	3300	3120
<u>Chief of Section:</u>							
Provincial	3720	3480	3300	3120	2940	2760	2580
Municipal	3720	3480	3300	3120	2940	2760	2580
Post Audit	3720	3480	3300	3120	2940	2760	2580
Miscellaneous	3720	3480	3300	3120	2940	2760	2580
<u>4. OFFICE OF THE PROV. ASSESSOR</u>							
Chief Deputy Assessor	3960	3720	3480	3300	3120	2940	2760
Senior Deputy Assessor	2760	2580	2400	2280	2160	2040	1920
Junior Deputy Assessor	2580	2400	2280	2160	2040	1920	1800
<u>5. OFFICE OF THE DIST. ENGINEER</u>							
Chief Clerk	4200	3960	3720	3480	3300	3120	2940
Property Clerk	3300	3120	2940	2760	2580	2400	2280
Ledger Clerk	3120	2940	2760	2580	2400	2280	2160
Correspondence Clerk	2580	2400	2280	2160	2040	1920	1800
<u>6. OFF. OF THE PROV. HEALTH OFFICER</u>							
Chief Clerk or Adm. Deputy	3120	2940	2760	2580	2400	2280	2160
Chief, Sanitary Inspector	2580	2400	2280	2160	2040	1920	1800
Asst. Sanitary Inspector	1920	1800	1680	1560	1440	1440	1440
<u>7. OFFICE OF THE PROV. FISCAL</u>							
Chief Clerk	3120	2940	2760	2580	2400	2280	2160
<u>8. OFFICE OF PROV. AGR. SUPRV.</u>							
Asst. Prov. Agr. Agent	3960	3720	3480	3300	3120	2940	2700
Municipal Agr. Inspector	2580	2400	2280	2160	2040	1920	1800
Junior Plant Sanitary Inspector	2580	2400	2280	2160	2040	1920	1800
Asst. Home Demonstrator	2040	1920	1800	1680	1560	1440	1440

CITY GOVERNMENTS

	Classes of Cities				
	1st	2nd	3rd	4th	5th
<u>1. OFFICE OF THE CITY MAYOR</u>					
Chief Clerk or Administrative Deputy	3960	3720	3480	3300	3120
Private Secretary	3720	3480	3300	3120	2940
Asst. Private Secretary	2760	2580	2400	2280	2160
Agent	2400	2280	2160	2040	1920
Chief of Division	3120	2940	2760	2580	2400
Asst. Chief of Division	2940	2760	2580	2400	2280
Chief of Section	2280	2160	2040	1920	1800

<u>2. OFFICE OF THE CITY TREASURER</u>					
Administrative Deputy	3960	3720	3480	3300	3120
Senior Deputy	2940	2760	2580	2400	2280
Junior Deputy	2760	2580	2400	2280	2160
Market Administrator	2940	2760	2580	2400	2280
<u>Chief of Division:</u>					
Accounting	3300	3120	2940	2760	2580
Cash	3300	3120	2940	2760	2580
Property	3300	3120	2940	2760	2580
Land Tax	3120	2940	2760	2580	2400
Internal Revenue	2940	2760	2580	2400	2280
Asst. Chief of Division	2760	2580	2400	2280	2160
Chief of Section	2400	2280	2160	2040	1920
<u>3. OFFICE OF THE CITY AUDITOR</u>					
Senior Clerk	3960	3720	3480	3300	3120
Chief of Section	3300	3120	2940	2760	2580
<u>4. OFFICE OF THE ASSESSOR</u>					
Chief Deputy Assessor	3480	3300	3120	2940	2760
Senior Deputy Assessor	2400	2280	2160	2040	1920
Junior Deputy Assessor	2280	2160	2040	1920	1800
<u>5. OFFICE OF THE CITY ENGINEER</u>					
Chief Clerk	3720	3480	3300	3120	2940
Property Clerk	2940	2760	2580	2400	2280
Ledger Clerk	2760	2580	2400	2280	2160
Correspondence Clerk	2280	2160	2040	1920	1800
<u>6. OFFICE OF THE CITY HEALTH OFFICER</u>					
Chief Clerk or Administrative Officer	2760	2580	2400	2280	2160
Chief Sanitary Inspector	2280	2160	2040	1920	1800
Asst. Sanitary Inspector	1680	1560	1440	1440	1440
<u>7. OFFICE OF THE CITY FISCAL</u>					
Chief Clerk	2760	2580	2400	2280	2160

The rates herein prescribed shall be authorized only for provinces and cities which have not exceeded in their appropriations for salaries and wages in accordance with the limitations prescribed in Republic Act No. 1836 and Section 3 of Executive Order No. 405, series of 1951. If the salaries of the present incumbents of the positions mentioned above should be reduced on account of the application of the above schedule, the said incumbents shall continue to receive their present salaries until their successors are appointed.

This Order shall not be made applicable to the Cities of Manila, Quezon, Pasay, and Baguio.

This supersedes Administrative Order No. 13, dated March 17, 1954.

Done in the City of Manila, this 7th day of March, in the year of Our Lord, nineteen hundred and fifty eight and of the Independence of the Philippines, the twelfth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 263

MODIFYING ADMINISTRATIVE ORDER NO. 222, DATED NOVEMBER 23, 1956,
BY CONSIDERING MR. ARCADIO CAPILI, FORMER CHIEF OF THE FIRE DEPARTMENT
OF CEBU CITY, AS RESIGNED FROM THE SERVICE.

In view of the length of service (about thirty years) rendered to the government by the respondent, Mr. Arcadio Capili, former Chief of the Fire Department of Cebu City, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby modify Administrative Order No. 222, dated November 23, 1956, removing him from office, by considering him as resigned from the service without prejudice to his receiving whatever rights and benefits he may be entitled to under existing laws, effective as of the date of his dismissal in connection with the administrative case against him for irregularities constituting corruption and serious misconduct.

Done in the City of Manila, this 17th day of March, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the twelfth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) JUAN C. PAJO
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 264
REPRIMANDING MR. EDILBERTO Y. DAVID, DEPUTY COLLECTOR OF CUSTOMS
AND FORMER ACTING COMMISSIONER OF CUSTOMS

This is an administrative case against Mr. Edilberto Y. David, deputy collector of customs (airport), who while Acting Commissioner of Customs was charged with and investigated for (1) maladministration, (2) conduct prejudicial to the service, (3) corruption in office and (4) moral unfitness for public office.

After a review of the record I am satisfied with the explanations offered by the respondent except that he overstepped his powers by interfering with functions properly belonging to the collector of customs in connection with the case of a certain shipment of undeclared saccharine and jewelry involved in charge (1) and that he made a poor choice of occasion in boarding a ship owned by a strike-bound company for his inspection trip to the South embraced in charge (2). As to the third charge, it appears that he was already rebuked for using a car belonging to the Philippine Port Terminal Co. while he was arrastre superintendent in 1949. The claim in the last charge that he maintained immoral relations with a married woman when he was arrastre superintendent has not been clearly established.

Under the attendant circumstances it is believed that the improper acts alluded to above are not of such a nature as to warrant the taking of drastic disciplinary action against the respondent. In view thereof, Mr. Edilberto Y. David is hereby reprimanded and warned that commission of similar acts in the future will be dealt with more severely.

Done in the City of Manila, this 25th day of March, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the twelfth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) JUAN C. PAJO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 265
CREATING A COMMITTEE ON SULU AFFAIRS

By virtue of the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby create a committee on Sulu affairs composed of the following:

Representative from the Office of the President.....	Chairman
Representative from the Department of Agriculture and Natural Resources	Member
Representative from the Department of National Defense	Member
Representative from the Department of Public Works and Communications	Member
Representative from the Local Governments	Member
Representative from the Agricultural Credit and Cooperative Administration...	Member
Representative of the Presidential Assistant on Community Development	Member
Representative of the Special Assistant to the President on Performance and Efficiency	Secretary

The committee shall perform the following functions:

1. To make a comprehensive survey of the situation of Sulu archipelago.
2. To sit and confer with representative leaders of Sulu (political, economic, social, religious).
3. To work out a Master Plan on Sulu Affairs.

The committee is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the government, including government-owned or controlled corporations, for such assistance or information as it may need in the performance of its functions.

The committee shall submit its report and recommendations to the President within the shortest time possible.

Done in the City of Manila, this 7th day of April, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the twelfth.

(Sgd.) CARLOS P. GARCIA
President of the Philippines

By the President:
(Sgd.) JUAN C. PAJO
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 266

**AUTHORIZING THE SENTINEL INSURANCE COMPANY, INC. TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bonds or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the SENTINEL INSURANCE COMPANY, INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the SENTINEL INSURANCE COMPANY, INC., to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 25th day of April, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the twelfth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 267
SUSPENDING MR. SALVADOR F. CALIZO FROM OFFICE AS JUSTICE
OF THE PEACE OF BALETE, CAPIZ.

This is an administrative case filed by Mrs. Fructuosa C. Yaza against Mr. Salvador F. Calizo, justice of the peace of Balete, Capiz, for alleged dereliction of duty in: (1) not entering in the court docket a criminal case for qualified theft, (2) not issuing to the complainant a copy of the order committing to jail the accused in said case so as to enable her to collect the cost of their subsistence which she had furnished and (3) dismissing the case without trial upon the request of the vice-mayor of Balete. The charges were investigated by the District Judge of Capiz.

It appears that on December 13, 1951, a complaint for qualified theft against Manuel Fernandez and four others was filed with respondent by the chief of police at the instance of one Mateo Soncuya. After examining the witnesses for the prosecution, respondent issued a warrant for the arrest of the accused. With the exception of Manuel Fernandez whose whereabouts were unknown, the accused were arrested on December 17, 1951, and detained in the municipal jail of Balete, being unable to file bail bonds, except Naldito Billones who did on December 28, 1951, and was released on the same day.

Respondent set the trial for January 8, 1952, but on that date the chief of police moved for the dismissal of the case because of a letter from the complaining witness stating that the case being purely civil in nature and the parents and friends of the accused having asked for forgiveness, he was no longer interested in prosecuting the case. Respondent dismissed the case on the same day and the accused were immediately set free.

The herein complainant Yaza, a caterer, furnished the subsistence for the accused during the latter's confinement in jail from December 17, 1951, to January 8, 1952, under a contract with the municipality. According to her, she presented her bill for subsistence to the municipal treasurer who declined to pay because she did not have a copy of the order committing the accused to jail. When, she claimed, she asked respondent to issue one he refused, saying that he had not docketed the criminal case.

Respondent denied that complainant had requested him for a copy of the commitment order or that he failed to docket the criminal case. He testified that he had docketed the case as Criminal Case No. 134 on page 134 of his docket book (Exh. 6) and had issued an order committing the prisoners to the chief of police who in turn issued a corresponding "receipt of prisoners" dated December 17, 1951 (Exh. 2-e). What happened, he said, was that he had not made a duplicate copy of the order and the one issued to the chief of police was lost.

As to the dismissal of Criminal Case No. 134, respondent alleged that his action was motivated, not by a request of the vice-mayor, but by the motion of the chief of police who had received a letter from the complaining witness stating that he was no longer interested in the prosecution of the case.

I agree with the District Judge and the Secretary of Justice that respondent had no justification for refusing to issue a copy of the commitment order to complainant or some writing attesting to the truth of such commitment. There is no doubt that respondent had committed the accused in Criminal Case

No. 134 to the custody of the chief of police as shown by Exhibit 2-e. He could not have forgotten said commitment, and if he had, he could easily have verified it. His claim that the complainant had never approached him for a copy of the commitment paper is untenable in the face of the undisputed fact that the treasurer would not pay the caterer's bill unless she could produce evidence of the prisoners' commitment.

It thus appears beyond reasonable doubt that the respondent is guilty of a cynical and deliberate disregard of an official and legitimate request easy to comply with. He has shown lack of rudimentary courtesy and human sympathy expected of government officials in their dealings with the public. As the District Judge correctly observed, "It is to be remembered always that the record of criminal or civil cases are public records and . . . as the legal custodian of the whole and every part thereof he is in duty bound to show and furnish true or certified copies of any part of it, when required to do so on demand of any party in interest thereof upon payment of its corresponding fees."

As to the dismissal of the criminal case, I do not believe that respondent acted improperly. As held by the Secretary of Justice, it was a borderline case and quashing thereof on motion of the complaining witness rested within the discretion of the court. I do not believe respondent abused his discretion. Neither was there any irregularity in the docketing of the case as found by the investigator.

WHEREFORE, and upon the recommendation of the Secretary of Justice, Mr. Salvador F. Calizo is hereby suspended from office without pay for one month. He is ordered to issue to the complainant copy of the commitment order in Criminal Case No. 134, if he has not yet done so.

Done in the City of Manila, this 25th day of April, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the twelfth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) JUAN C. PAJO
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 268
CREATING A FACT FINDING COMMITTEE TO RECOMMEND WAYS AND MEANS
OF EFFECTING GOOD ADMINISTRATION, PERFORMANCE AND EFFICIENCY
OF THE BUREAU OF CUSTOMS.

By virtue of the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby create a Fact Finding Committee to recommend ways and means of effecting good administration, performance and efficiency of the Bureau of Customs, composed of the following:

Lieut-Commander Marcelino E. Calinawan Jr.....	Chairman
Attorney S P Fausto, NBI.....	Member
Major Zoilo Estrella, C-2 PC.....	Member
Captain Jose Diosomito, NICA	Member

The Committee will meet upon call of the Chairman and will submit its report and recommendations as soon as practicable.

The Committee is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the government, including government-owned or controlled corporations for such assistance or information as it may need in the performance of its mission.

Done in the City of Manila, this 28th day of April, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the twelfth.

(Sgd.) CARLOS P. GARCIA

By the President:

(Sgd.) SOFRONIO C. QUIMSON

Asst. Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 269

**CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE TWELFTH
ANNIVERSARY CELEBRATION OF THE REPUBLIC OF THE PHILIPPINES ON JULY 4, 1958.**

Pursuant to the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby create a National Committee to formulate plans and devise ways and means for the appropriate celebration of the Twelfth Anniversary of the Republic of the Philippines on July 4, 1958. The Committee shall be composed of the following:

Hon. Manuel Lim, Secretary of Education	Chairman
Dr. Manuel Gallego, President, Philippine Association of Colleges and Universities	Vice-Chairman
Hon. Eduardo Z. Romualdez, Chairman, Rehabilitation Finance Corporation.....	Member
Hon. Jesus Vargas, Secretary of National Defense	Member
Hon. Angel M. Castaño, Secretary of Labor	Member
Hon. Paulino J. Garcia, Secretary of Health.....	Member
Hon. Juan Concon, Administrator of Economic Coordination.....	Member
Hon. Madki Alonto, Commissioner, National Integration.....	Member
Hon. Guillermo V. Sison, Press Secretary	Member
The Chairman, Governors and City Mayors League of the Philippines...	Member
The Chairman, League of Members of Provincial Boards	Member
Dr. Andres V. Castillo, Deputy Governor, Central Bank of the Philippines	Member
Mr. Arsenio J. Jison, President, Philippine National Bank.....	Member
The President, University of the Philippines	Member
The President, Chamber of Commerce of the Philippines.....	Member
The National Commander, Veterans Federation of the Philippines.....	Member
The Commissioner on Tourism.....	Member
The President, Philippine Chamber of Industries	Member
The President, Chamber of Agriculture and Natural Resources	Member
The President, Bankers Association of the Philippines	Member
The Acting Administrator, Agricultural Credit and Cooperative Financing Administration	Member
The President, Manila Rotary Club	Member
The President, Manila Junior Chamber of Commerce	Member
The President, Lions Club of Manila	Member
The President, National Press Club of the Philippines	Member

The President, Civic Assembly of Women of the Philippines.....	Member
The General Manager, Philippine Association	Member
Mr. Aguinaldo C. Maaba	Member-Secretary

The Committee shall meet at the call of the Chairman and, for the purpose of discharging its functions, may create such subcommittees as may be necessary.

Done in the City of Manila, this 5th day of May, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the twelfth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **SOFRONIO C. QUIMSON**
Acting Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 270
CREATING A COMMITTEE TO TAKE CHARGE OF THE REGIONAL CONFERENCE
ON PUBLIC ADMINISTRATION, PHILIPPINES, 1958.

A committee is hereby created to take charge of and coordinate all activities and arrangements in the preparation for the Regional Conference on Public Administration to be held in the cities of Manila and Baguio on June 7-21, 1958.

The committee shall be composed of the following:

Hon. Manuel Lim, Secretary of Education	Chairman
Hon. Juan C. Pajo, Executive Secretary	Member
Hon. Arsenio H. Lacson, Mayor of the City of Manila	"
Mr. Vicente G. Sinco, President, University of the Philippines	"
Mr. Joaquin P. Roces, General Manager, The Manila Times and DZMT	"

The committee is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the Government, including government-owned or controlled corporations, for such assistance as it may need in the participation of the Philippines in the Regional Conference.

The committee shall insure the effective representation of the Philippines in the Conference, exert special efforts to insure that foreign delegates and observers to the Conference are accorded all courtesies and hospitality for the duration of their visit in the Philippines, and lend the necessary support and assistance to the Project Director of the Regional Conference and its Secretariat.

In view of the close proximity of the date of the Conference, the Chairman is hereby enjoined to call the committee to an early meeting and proceed with the preparation of the Conference at the earliest possible time.

Done in the City of Manila, this 28th day of May, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the twelfth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) JUAN C. PAJO
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACANANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 271
IMPOSING THE PENALTY OF SUSPENSION ON PROVINCIAL TREASURER
MIGUEL YUVIENCO OF CAVITE AND REINSTATING HIM IN THE SERVICE.

This is an administrative case against Mr. Miguel Yuvienco, provincial treasurer of Cavite, for alleged (1) illegal reversion of trust funds, (2) overappraisal of real property for fraudulent purposes, (3) falsification of election returns and (4) gross insubordination. The charges were formally investigated by the Department of Finance.

After a review of the record, I find that respondent's guilt under charges (2) and (3) has not been duly established.

As to the first charge, it appears from the ledger for 1954-1955 of respondent's office that balances from 1946 to 1953 in the aggregate sum of ₱140,572.04 which had remained unclaimed and unadjusted up to September 30, 1954, were on the latter date reverted to the general fund of the province, taken up under revenue classification as prior years adjustment and appropriated by the provincial board of Cavite for provincial purposes under two supplemental budgets. Of said sum, the amount of ₱115,092.04 was used for construction of the provincial capitol and the purchase of its site.

In his defense respondent alleged that the amounts involved were taken from miscellaneous accounts payable which were listed as such by his predecessor, Mr. Rafael Morelos; that the listing down of the accounts for the purpose of reversion was made by his bookkeeper; that the supplemental budgets appropriating the amounts were approved by the Department of Finance (one actually and the other by operation of law); that as said amounts had remained unpaid for more than one year, they were proper items for reversion; and that he had not received any notice suspending the vouchers carrying the appropriation of the sums in question.

The amounts involved which were reverted by the respondent were national funds intended for some specific purposes and were, therefore, in the nature of trust funds. Under the provisions of Section 70 of the Manual of Instructions to Provincial Treasurers and Section 614 of the Revised Administrative Code, trust funds are available only for the specific purpose for which they were created or came into the possession of the branch of the Government concerned.

His claim that as the accounts had remained unsettled for more than one year they could be reverted and considered as prior years adjustment is not correct. Under Section 68 of the same Manual of Instructions only the unpaid wages of laborers employed by the province, city or municipality which have remained unsettled for more than one year may be reverted to other incidental revenues, Account 39. Neither may the accounts be considered as prior years adjustment since this particular revenue account constitutes refunds made to the branch of the Government or political subdivision concerned, during a current year, of disbursements illegally or erroneously made during the preceding year or years, but under which the accounts in question do not fall because, as a matter of fact, they had not then been disbursed.

There is no merit in respondent's defense that the classification was made by his predecessor. Under the law and regulations he was not bound by the classification made by his predecessor, for

the new treasurer should “carefully investigate the circumstances and examine the nature of the same before having them entered in his accounts.” When a new treasurer adopts the mistakes of his predecessor, he makes them his own. Respondent assumed direct responsibility for the reversion when he claimed that the reversion was legal.

Neither may he find relief in the fact that the listing of the amounts for purposes of reversion was done by his bookkeeper. The nature of his position and responsibility demands that he be careful with papers passing his hands and not rely merely on the initials of his subordinates, however reliable they may be, more so when big amounts of money are involved as in this case. He should have ascertained and verified for himself whether the amounts listed by his subordinate were proper for reversion.

Under Section 637 of the Revised Administrative Code, “persons accountable for government funds shall be liable for all losses resulting from the unlawful or improper deposit, use or application thereof and for all losses attributable to negligence in the keeping of same.”

Similarly unmeritorious is respondent’s defense that the supplemental budgets appropriating the amounts in question were approved by the Department of Finance. The budgets on their faces were legal. There was no detailed explanation of what the accounts identified therein as prior years adjustment consisted. In fact it was only when the provincial auditor of Cavite examined the corresponding journal voucher in post-audit that the illegal reversions were discovered and the account was suspended.

In the light of the above, I find the respondent guilty under the first charge.

With respect to the last charge, it appears that the Philippine National Bank wrote to the Department of Finance concerning the alleged overappraisal of lands involved in charge (2). The letter was indorsed on March 11, 1955, to the respondent for comment and/or explanation within ten days from receipt thereof. No reply having been received from the respondent, a call-up letter was sent to him on July 8, 1955, which was handed over to the assistant provincial treasurer for delivery to him. Another follow-up letter was sent on February 11, 1956, by registered mail. The Department of Finance has no record of any reply sent by respondent to said communications.

Respondent admits having received the indorsement of March 11, 1955, but denies receipt of the two call-up letters. He alleges that the desired explanation was sent to the Department of Finance on July 20, 1955, but through inadvertence the letter was coursed by ordinary mail. A purported copy thereof was presented as exhibit during the investigation.

I am not impressed by respondent’s explanation. His claim that he did not receive the call-up letters is incredible, being contrary to the ordinary course of things and the legal presumptions on the matter. Even considering as proven only the facts admitted by him, still his responsibility is clear. If he were to be believed, he allowed a period of more than four months to pass before replying to an official communication of his supervisor which called for action within ten days. If as claimed the pertinent records were unavailable and he needed time to recollect what transpired in the inspection of the properties in question, he should have asked for an extension of the period to submit his answer. His alleged answer of July 20, 1955, was obviously too belated.

I, therefore, find the respondent guilty of insubordination.

In view of all the foregoing, Mr. Miguel Yuvenco is hereby meted out the penalty of suspension without pay corresponding to the period of his preventive suspension. He is further reprimanded and warned that commission of similar irregularities in the future will be dealt with more drastically. His suspension is hereby lifted and he is reinstated in the service.

Let a copy of this order be furnished the Auditor General for such steps as he may deem proper to take for the recovery of the amount illegally reverted from the national fund to the provincial fund of Cavite.

Done in the City of Manila, this 29th day of May, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the twelfth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 272

**AUTHORIZING THE RURAL INSURANCE & SURETY CO., INC. TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the RURAL INSURANCE & SURETY CO., INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the RURAL INSURANCE & SURETY CO., INC., to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 28th day of May, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the twelfth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 273

CREATING A COMMITTEE TO INVESTIGATE THE ADMINISTRATIVE COMPLAINT
AGAINST MR. JOSE P. TRINIDAD, UNDERSECRETARY OF FINANCE, FOR GRAVE
MISCONDUCT IN OFFICE AND CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE
PUBLIC SERVICE.

A committee is hereby created to investigate the administrative complaint for grave misconduct in office and conduct prejudicial to the best interest of the public service, dated July 5, 1958, filed against Mr. Jose P. Trinidad, Undersecretary of Finance, by Comdr. Marcelino Calinawan, Jr., Chairman, Presidential Fact-Finding Committee. The committee shall be composed of the following:

Hon. Jesus G. Barrera, Secretary of Justice	Chairman
Hon. Edilberto Barot, Solicitor General.....	Member
Atty. Jose W. Diokno.....	"

The committee is granted all the powers of an investigating committee under the provisions of Sections 71 and 580 of the Revised Administrative Code, including the power to summon witnesses, administer oaths, and take testimony or evidence relevant to the investigation.

After the termination of the investigation, the committee shall submit its report and recommendations to the President of the Philippines.

Done in the City of Manila, this 16th day of July, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 274
AUTHORIZING THE INDUSTRIAL INSURANCE CO., INC. TO BECOME A SURETY UPON
OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the INDUSTRIAL INSURANCE CO., INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the INDUSTRIAL INSURANCE CO., INC., to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 24th day of July, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 275
REMOVING MR. BASILIO ROQUE FROM OFFICE AS JUSTICE OF THE PEACE
OF TALUGTUG, NUEVA ECIJA.

This is an administrative case filed by Bernardo Umipig against Justice of the Peace Basilio Roque of Talugtug, Nueva Ecija, for alleged immorality, drunkenness and acts unbecoming a public official.

The case was investigated by a District Judge of Nueva Ecija who thereafter submitted his report dated April 25, 1955. Up to that time Aurelia Umipig, complainant's daughter with whom respondent allegedly had immoral relations, had not been presented as a witness; on the contrary, her two affidavits absolving respondent from the charge of immorality had been submitted.

Pending action on said report by the Department of Justice, Aurelia Umipig wrote to the President of the Philippines confirming the truth of the complaint with respect to the charge of immorality. In view of this letter, the case was investigated anew by the same judge and her testimony taken. The investigator found the respondent guilty of the charge of immorality and recommended his separation from the service. The Secretary of Justice agrees with the investigator's findings and recommendation.

Aurelia Umipig, a married woman living separately from her husband by whom she has three children, testified that she met respondent in Talugtug sometime in September 1953 and he courted her. She accepted his offer of love and they lived together as husband and wife. On March 21, 1954, he brought her to Manila, where they stayed for three days at the Capitol Hotel. Afterwards he brought her to Paniqui, Tarlac, where they stayed for another three days; then to Nampicuan, Nueva Ecija, and then to Anao, Tarlac, where they stayed in the house of his sister for more than a month. From Anao, he brought her to the home of his parents in Nampicuan where they stayed for three days, and then to Manila for a stay of two weeks. Because of this relationship, she became pregnant and gave birth on July 31, 1954, in the house of respondent's sister in Anao. She lived in Anao for one month and then was brought again to Nampicuan in the house of respondent's parents who refused to let her leave the premises. However, she managed to escape in June 1955, but respondent's parents took her back to Nampicuan. Two weeks later she was given permission to visit her cousin in Cuyapo, Nueva Ecija. She had not been visited since then by respondent who abandoned her in June 1955. She could not testify before because she was prevented by the respondent and his parents.

Respondent, who is a married man, denied having had any illicit relations with Aurelia Umipig and having taken her from place to place. He claimed that he only visited her because she wanted him to prepare the papers for her legal separation from her husband and the conveyance of a parcel of land; and that it was because of his visits to her for the purposes stated that he was suspected of having illicit affairs with her. As to the motive of Bernardo Umipig in presenting the complaint, he claimed that it was due to his refusal to accept the several invitations extended him by Umipig to attend parties because the latter had a pending case in his court.

After carefully weighing the evidence, I agree with the investigator that the respondent lived with Aurelia Umipig as husband and wife and took her to different places to hide her whereabouts. It is true that she had executed affidavits and written letters denying any immoral relations with the respondent,

but the same were made when they were living together and she was under his influence and control. However, when he abandoned her after the close of the first hearing in the belief that she could not do him any further harm, she, freed from his influence and control and terribly disappointed over her love affair with the respondent, wrote the letter which gave rise to the reinvestigation of the case.

As to the alleged motive of Bernardo Umipig in filing the complaint, it is hard to believe that he would expose the honor and reputation of his daughter for the flimsy reason given by the respondent, just as Aurelia Umipig would not have exposed her shameless life, as she did, if her illicit affairs with the respondent were not true.

In view of the foregoing, I find the respondent guilty of immorality. The other charges have not been substantiated and he is therefore exonerated therefrom.

As a public official charged with the dispensation of justice, the respondent should be morally upright to command the respect of the community. By his immoral conduct he ceased to be worthy of his exalted position which he thereby forfeited.

WHEREFORE, and upon the recommendation of the Secretary of Justice and the District Judge, Mr. Basilio Roque is hereby removed from office as justice of the peace of Talugtog, Nueva Ecija, effective upon his receipt of notice hereof.

Done in the City of Manila, this 28th day of July, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) JUAN C. PAJO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 276
AMENDING ADMINISTRATIVE ORDER NO. 268 DATED APRIL 28, 1958, ENTITLED
“CREATING A FACT-FINDING COMMITTEE TO RECOMMEND WAYS AND MEANS
OF EFFECTING GOOD ADMINISTRATION, PERFORMANCE AND EFFICIENCY
OF THE BUREAU OF CUSTOMS.”

By virtue of the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby order:

The committee created in Administrative Order No. 268 dated April 28, 1958, is hereby granted all the powers of an investigating committee under Sections 71 and 580 of the Revised Administrative Code, including the power to summon witnesses, administer oaths, and take testimony of evidence relevant to the investigation. It is also authorized to call upon any department, bureau, office, agency or instrumentality of the Government, including government-owned or controlled corporations, for such assistance or information as it may require in the performance of its functions, and for this purpose, it shall have access to, and the right to examine, any books, documents, papers or records thereof, subject to the limitations provided by law.

Administrative Order No. 268 dated April 28, 1958, is hereby amended accordingly.

Done in the City of Manila, this 8th day of August, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 277

CREATING A SUBCOMMITTEE ON PERFORMANCE AND PROCEDURES UNDER
THE PRESIDENTIAL FACT-FINDING COMMITTEE ON CUSTOMS FOR THE PURPOSE
OF INSTITUTING ORGANIZATIONAL AND PROCEDURAL REFORMS IN THE BUREAU
OF CUSTOMS TO INSURE PERMANENT GOOD ADMINISTRATION, PERFORMANCE
AND EFFICIENCY THEREIN.

By virtue of the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby create a subcommittee on performance and procedures under the Presidential Fact-Finding Committee on Customs created in Administrative Order No. 288 dated April 28, 1958, to be composed of the following:

Mr. Augusto L. Sevilla, Industrial and Management Association, Inc.	Chairman
Engr. Edgardo I. Villavicencio, Industrial and Management Association, Inc...	Vice-Chairman
Mr. Dalmacio Urtula, Jr., Agricultural Credit and Cooperative Financing Administration.....	Member
Mr. Jose Bondoc, Cebu Portland Company	"
Engr. Oscar Sarto, National Resettlement and Rehabilitation Administration.	"
Mr. Felipe Hipolito, Manila Port Service	"
Atty. Armando Padilla, Bureau of Customs	"

The subcommittee shall review and draft paper work management, particularly in the disposal and retention of records, and on form designs and control; work procedures; circulars, memoranda, personnel classification, and work-load distribution; and the institution of organizational and procedural reforms in the Bureau of Customs.

The subcommittee is authorized, through the chairman of the Presidential Fact-Finding Committee on Customs, to call upon any department, bureau, office, agency, or instrumentality of the Government, including government-owned or controlled corporations, for such assistance or information as it may require in the performance of its functions.

Done in the City of Manila, this 8th day of August, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 278
REPRIMANDING FOREIGN AFFAIRS OFFICER MARCIANO A. JOVEN

Mr. Marciano A. Joven, foreign affairs officer, Class IV, is charged with the commission of acts involving serious misconduct and/or malfeasance in office, to wit: (1) issuing checks of the Philippine Legation in Pakistan and using the proceeds thereof for blackmarket purposes from which he enriched himself, (2) collecting refund of taxes for the Philippine Legation and depositing the same in his name, (3) engaging in illegal traffic of liquor, (4) permitting illegal loans of Legation funds to private persons, (5) writing anonymous letters against his principal officer and (6) accepting a cash deposit for the Legation without issuing an official receipt therefor.

Specifications (5) and (6) were looked into by Ambassador Narciso Ramos, then Philippine Minister in Pakistan, while the rest were investigated by Mr. Enrique M. Garcia as commissioner of the Board of Foreign Service which found the following:

(1) There is no direct evidence to show that respondent actually negotiated the three checks involved at blackmarket rates, for proof of appropriation by him of the difference between the official rate of conversion and the blackmarket rate. However, the issuance of Legation checks under his authority without the corresponding vouchers to support them reveals lack of due diligence in the supervision of Government funds and negligence in the performance of official duties on the part of the respondent.

(2) The gasoline for which the refund in question was made was purchased by respondent out of his own funds, but he requested the refund in the name of the Legation to satisfy local regulations. Although no bad faith was shown, respondent should have been more discreet and careful in using the name of the Legation for his private purposes.

(3) Respondent does not deny the possibility that his son trafficked in liquor, but there is no direct and conclusive proof that he was in connivance or in partnership with him. Hence, it would not seem fair to hold him responsible, either singly or jointly, for his son's acts of which he had no proven knowledge.

As to the alleged dissatisfaction of the Pakistan foreign minister towards respondent arising from the arrest of the latter's son for illegal traffic of liquor, there is nothing to show that the Pakistan Government took any steps for respondent's recall. On the contrary, during his more than three years' tour of duty in Karachi after that incident respondent was accorded by the Pakistan Government all the courtesies due a foreign diplomatic representative and he enjoyed the respect and admiration of the local diplomatic community.

(4) The proofs establish the fact that it was not respondent but the administrative and finance officer who made the questioned loans. It does not appear that the respondent was aware that the money being loaned belonged to the Legation. His participation was merely to "note" or "witness" the transactions. However, these transactions again show that the respondent was negligent in the discharge of his duties and lax in the supervision of his subordinates.

(5) There is no satisfactory proof that respondent was the author of the anonymous complaints against Consul Tagakotta Sotto.

(6) It is true that the respondent accepted from a private party money for deposit with the Legation without issuing an official receipt therefor, but it appears that the deposit was made with him in his private capacity.

In view of the respondent's long and faithful service in the Foreign Service in posts where conditions of living were difficult and unhealthful, the Board of Foreign Service believes that he should be given a chance to acquit himself in the service. It, therefore, recommends that he be reprimanded with a stern warning. The Secretary of Foreign Affairs agrees with the Board.

After going over the record of the case, I concur in the findings and recommendation of the Board of Foreign Service.

WHEREFORE, Mr. Marciano A. Joven is hereby reprimanded and strongly warned that repetition of similar acts and omissions will be dealt with more severely.

Done in the City of Manila, this 18th day of September, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **JUAN C. PAJO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 279

CREATING A SPECIAL COMMITTEE TO PLAN, SUPERVISE AND DIRECT AN INFORMATION AND EDUCATIONAL RADIO PROGRAM FOR THE RURAL AREAS TO BE CONDUCTED THROUGH THE RADIO FACILITIES DONATED THROUGH THE COMMITTEE FOR AMERICAN RELIEF EVERYWHERE (CARE).

WHEREAS, one of the outstanding achievements of the President's recent state visit to the United States was its success in arousing interest among private individuals and civic organizations to assist the Philippines in combatting communist expansion through an extensive radio information and educational campaign;

WHEREAS, through the Committee for American Relief Everywhere (CARE), the people of the United States have donated an initial one thousand (1,000) transistor radios especially constructed for barrio use; and

WHEREAS, CARE will continue to receive contributions for more radios until it is hoped all of the Philippines' 19,000 barrios will each have at least one radio-receiving set;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby create a special committee to plan, supervise and direct an information and educational program especially beamed for the rural areas, to be composed of the following:

- | | |
|---|--------------------|
| 1. The Undersecretary of National Defense | Chairman |
| 2. Mr. Bernardo G. Silverio | Vice-Chairman |
| 3. Mr. Carlos F. Nivera | Executive Director |
| 4. The Director of Public Schools | Member |
| 5. The Presidential Assistant on Community Development, or his
authorized representative | Member |
| 6. The Manager of Station DZFM, or his authorized representative | Member |
| 7. The Chairman of the Radio Control Board | Member |

The Philippine representative of CARE will serve with the committee in a consultative status.

The duties and responsibilities of this committee are as follows:

1. To study the best possible location for each radio-receiving set in consultation with the CARE representative;
2. To arrange for the distribution of the radio-receiving sets;
3. To prepare rules and regulations governing the custody and use of each radio set;
4. To prepare a program of information and education to be aired over:
 - a. National broadcasting stations, principally the government-owned station DZFM;
 - b. Various local stations.

5. To set up a machinery to insure continuous production of programs to serve these and other barrio radio-receiving sets;

6. To set up a machinery to supervise the use of these radio sets.

This committee shall be responsible to the President of the Philippines and shall submit a report periodically or as often as required by the President.

Committee members shall serve without compensation. However, expenses incurred in carrying out the program shall be paid from funds to be provided in consultation with the Commissioner of the Budget.

Done in the City of Manila, this 23rd day of September, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.

(Sgd.) CARLOS P. GARCIA

By the President:

(Sgd.) JUAN C. PAJO

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 280

**AUTHORIZING THE STANDARD INSURANCE CO., INC. TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provided that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the STANDARD INSURANCE CO., INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the STANDARD INSURANCE CO., INC., to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 24th day of Sept., in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 281
CREATING A COMMITTEE TO TAKE CHARGE OF THE DISTRIBUTION
OF THE FARM EQUIPMENT DONATED BY KOPPEL (PHILIPPINES) INC.
TO THE REPUBLIC OF THE PHILIPPINES.

WHEREAS, the Republic of the Philippines has accepted a donation of farm equipment from Koppel (Philippines) Inc.;

WHEREAS, it is necessary that this farm equipment be distributed in such a manner as to be of maximum benefits to the country;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue to the powers vested in me by law, do hereby create a committee to take charge of the distribution of the farm equipment donated by Koppel (Philippines) Inc. to the Republic of the Philippines. The committee shall be composed of the following:

The Chairman, Presidential Assistant on Community Development.....	Chairman
The Administrator, Agricultural Credit and Cooperative Financing Administration	Member
The Director, Bureau of Agricultural Extension.....	"

The farm equipment shall be distributed in such a manner as to be of maximum benefits to the country.

Done in the City of Manila, this 30th day of September, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). [Administrative Order Nos.: 235 - 387]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 282

MODIFYING ADMINISTRATIVE ORDER NO. 257 DATED DECEMBER 28, 1953,
CONCERNING MR. SALVADOR M. GAYAO, FORMER JUSTICE OF THE PEACE
OF MANABO, BOLINEY AND DANAC, ABRA.

This is a request for reconsideration of the decision in the administrative case against Mr. Salvador M. Gayao who was removed as justice of the peace of Manabo, Boliney and Danac, Abra, for partiality and abuse of authority, under Administrative Order No. 257 dated December 28, 1953.

After considering, among other things, the length of time that has elapsed since his dismissal and his subsequent election in 1955 by the people of Abra as provincial board member which may be taken as operating somehow to purge him of his past misdeeds or mistakes, I believe that the severity of his removal may now be tempered.

WHEREFORE, Administrative Order No. 257 dated December 28, 1953, is hereby modified in the sense that respondent should be considered resigned, without right to any benefits under the law.

Done in the City of Manila, this 30th day of September, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) ENRIQUE C. QUEMA
Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 283
REQUIRING MR. CRESENCIANO L. AVILA TO RESIGN FROM OFFICE AS JUSTICE
OF THE PEACE OF CULABA, LEYTE

This is an administrative case filed by Gerardo Sabarre against Justice of the Peace Cresenciano L. Avila of Culaba, Leyte, for immorality, in that the respondent was cohabiting with Vicenta Sagadal although his marriage to Crispina Cabiling was still valid and subsisting. Attached to the complaint were the following documents: (1) certificate of the local civil registrar of Albueria, Leyte, that the record of marriages of his office shows that Cresenciano L. Avila and Crispina Cabiling were married in Caridad, Baybay, Leyte, on January 1, 1949; (2) a certificate of the same official that the record of births of his office shows that Cesaria Avila, legitimate daughter of Cresenciano L. Avila and Crispina Cabiling, was born on July 8, 1950, in Tinag-an, Albueria, Leyte; (3) a photostatic copy of respondent's income tax return for 1955 wherein V. S. Avila appears as his wife; (4) a copy of an application for timber license signed by Vicenta Sagadal-Avila naming Cresenciano L. Avila as her husband and Cresenciano Avila, Jr., as her son and nearest relative; and (5) a baptismal certificate of Cresenciano Avila, Jr., naming Cresenciano L. Avila and Vicenta Sagadal as his parents.

The respondent admitted his marriage to Crispina Cabiling, but denied that they had a daughter named Cesaria. He stated that he had been estranged from his wife who, he was informed, was already dead; that he did not file an income tax return for 1955; that Cresenciano Avila, Jr., was his adopted son; and that the complainant filed the present charge because of some ill-feeling between them.

In the formal investigation conducted by the District Judge the complainant presented three witnesses; namely, Pablo Rustata, a neighbor of the respondent; Wenceslao Nicdao, former municipal secretary of Culaba; and Agueda Tagnipis, former maid of the respondent, all of whom testified that the respondent and Vicenta Sagadal had been living as husband and wife. The complainant on his part declared that he was a neighbor of the respondent; that the latter had been cohabiting with Vicenta Sagadal; that complainant's wife was one of the sponsors at the baptism of Cresenciano Avila, Jr., and that the application of Vicenta Sagadal for a timber license was sworn to before him.

As respondent's witnesses, Guillermo Medalla, Bienvenido Malinao and Flaviano Gaspay, townsmen of the respondent, testified that the latter and Vicenta Sagadal had never lived as husband and wife. However, they admitted that on two separate occasions—during the town fiesta of Culaba and at the baptismal party for Cresenciano Avila, Jr.,—Vicenta Sagadal had stayed in the respondent's house for two or three days.

After a careful examination of the record, I am convinced that the respondent cohabited with Vicenta Sagadal. Their illicit relation is borne out not only by oral evidence but also by documentary proofs. Thus, the baptismal certificate of Cresenciano Avila, Jr., shows that respondent is the father of the child and Vicenta Sagadal the mother. Vicenta Sagadal signed the application for a timber license as Vicenta Sagadal-Avila and stated therein that her husband is Cresenciano Avila and that she has a son named Cresenciano Avila, Jr. Although respondent denied having filed any income tax return for 1955, it is noted that the signature appearing thereon is identical with his signature on his oath of office and

on various letters in the files of the Department of Justice, as well as with his signature appearing on a motion for postponement of the hearing of the present case.

In view of the foregoing, I find the respondent guilty as charged.

Wherefore, and upon the recommendation of the Secretary of Justice, Mr. Cresenciano L. Avila is hereby required to resign as justice of the peace of Culaba, Leyte, within five days from receipt of a copy of this order. Should he fail to do so, he will be considered removed from office on the day following the expiration of the period given.

Done in the City of Manila, this 7th day of October, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.

(Sgd.) CARLOS P. GARCIA

By the President:

(Sgd.) JUAN C. PAJO

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 284
CREATING A SPECIAL COMMITTEE ON BACKPAY CLAIMS.

By virtue of the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby create a Special Committee on Backpay Claims to introduce such innovations and make such changes, conformably with existing laws, in the personnel assignment, operational setup, and office policies and procedures of the Backpay Unit, Bureau of the Treasury, Department of Finance, as may bring about the speedy and efficient processing, disposition, and satisfaction of backpay claims under Republic Act No. 304, as amended by Republic Acts Nos. 800 and 897, and also to take the necessary steps for the procurement and proper administration of the backpay sinking fund.

1. The Committee shall be composed of the following:

Mr. Pedro V. Aguilar, Chief Supervising Auditor, General Auditing Office	Chairman
Mr. Ruben de Castro, Assistant Chief, Management Service, Budget Commission.....	Member
Mr. Rodolfo Ocampo, Secretary to the Chairman, Presidential Committee on Administration Performance Efficiency	"

2. The Treasurer of the Philippines and all other officials and employees at the Backpay Unit, Bureau of the Treasury, are hereby enjoined to extend full assistance and cooperation to the Special Committee and its Consultants on Backpay Claims. Technical assistance in the work of this Committee will be furnished by the Budget Commissioner.

3. The Committee is further authorized to call upon any department, bureau, office, agency or instrumentality of the Government, or upon any officer or employee thereof, for such assistance as it may need in the performance of its work.

4. The Committee may submit partial reports and recommendations from time to time to the Secretary of Finance who shall advise the President of the Philippines of the progress of the Committee work, but it shall complete and submit a final report not later than three months from the date thereof. Its final report shall state among other things the conditions of affairs in the Backpay Unit before and after the implementation of the remedial measures deemed necessary and practicable by the Committee.

5. Administrative Order No. 88, dated December 7, 1954, is hereby revoked.

Done in the City of Manila, this 25th day of November, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 285
MODIFYING ADMINISTRATIVE ORDER NO. 31 DATED MARCH 31, 1947,
CONCERNING FORMER JUDGE VICENTE BAUTISTA OF THE MUNICIPAL COURT
OF MANILA, BY REMOVING THE BAR TO HIS REINSTATEMENT.

Under Administrative Order No. 31 dated March 31, 1947, Mr. Vicente Bautista was required to resign as municipal judge of Manila, with prejudice to reinstatement, for irregularly attending office, authorizing his clerk to impose fines in traffic violation cases and issuing blank search warrants. Respondent has sought reconsideration of said decision. After a review of the case, I believe that he deserves consideration in view of the following circumstances: (1) there is nothing to show that he was guilty of dishonesty, (2) he had served the Government in various capacities for a long time and (3) he has been sufficiently punished since his separation more than ten years ago.

WHEREFORE, and upon the recommendation of the Secretary of Justice, Administrative Order No. 31 dated March 31, 1947, is hereby modified by deleting from the dispositive portion thereof the phrase “with prejudice to reinstatement” so as to enable respondent to reenter the government service.

Done in the City of Manila, this 5th day of January, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 286
AUTHORIZING THE IMPERIAL INSURANCE, INC. TO BECOME A SURETY UPON OFFICIAL
RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.

WHEREAS, section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporations as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the IMPERIAL INSURANCE, INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the IMPERIAL INSURANCE, INC., to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 16th day of January, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 287

CREATING A COMMITTEE TO INVESTIGATE THE ADMINISTRATIVE CHARGES AGAINST
DIRECTOR OF PRISONS ALFREDO M. BUNYE AND ASSISTANT DIRECTOR ERIBERTO MISA
AND TO RECOMMEND MEASURES TO IMPROVE PRISON ADMINISTRATION.

A committee is hereby created to investigate the administrative charges against Director of Prisons Alfredo M. Bunye and Assistant Director Eriberto Misa and to study and recommend measures to improve prison administration. The committee shall be composed of the following:

Hon. Alfonso Felix.....	Chairman
Hon. Pompeyo Diaz.....	Member
Hon. Edilberto Barot	Member

The committee is granted all the powers of an investigating committee under Sections 71 and 580 of the Revised Administrative Code, including the power to summon witnesses, administer oaths, and take testimony or evidence relevant to the investigation. It is authorized to call upon any department, bureau, agency or instrumentality of the Government for such information as it may require in the performance of its work and, for the purpose of securing such information, it shall have access to and the right to examine any books, documents, papers, or records thereof.

The committee shall submit its report and recommendations to the President of the Philippines as soon as possible.

Done in the City of Manila, this 22nd day of January, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 288

CONSIDERING AS RESIGNED DR. CRISTOBAL SANTIAGO, MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL WATERWORKS AND SEWERAGE AUTHORITY.

Dr. Cristobal Santiago, member of the Board of Directors of the National Waterworks and Sewerage Authority (NAWASA), is charged, together with Primitivo de la Costa, superintendent of wells and drills, Division of Wells and Springs, Atty. Buenaventura Villamayor, chief clerk of said division, and Cornelio Morada, assistant superintendent of wells and drills, with improper conduct in connection with the drilling of five artesian wells in Bulacan and Pampanga, allegedly in violation of the NAWASA regulations and to the almost exclusive benefit of himself, his relatives and tenants. It is claimed that in consideration of the support of respondent Santiago as a member of the NAWASA directorate in the promotion and retention of the other respondents, they all conspired and agreed to have said artesian wells constructed.

The charges against Dr. Santiago were looked into by a technical assistant of my office and these against his co-respondents, by another investigator designated by the NAWASA General Manager. However, joint hearings were had of all the cases. Only the case of Dr. Santiago, a presidential appointee, will be taken up and decided here.

The evidence shows that Wells Nos. 8552 and 8553 at Atlag, Malolos, Bulacan, were drilled conformably to the provisions of Republic Act No. 1200 which specified the barrio of Atlag as the place where they should be installed and that said wells were drilled upon the recommendation of the mayor of the municipality, the local health officer, and the district engineer pursuant to the regulations. With respect to Well No. 9019, located at Suklain, Arayat, Pampanga, it appears that the same was drilled to replace an unsuccessful well drilled by the Army at the direction of my late predecessor who chose the site. As regards Well No. 9020 in Barrio Batasan, same municipality, it has been established that the same was drilled by the NAWASA on public land located far away from the hacienda of the father-in-law of the respondent and that the latter did not exert any influence in the installation of said well. In its present location it benefits a fast-growing community and the majority of the inhabitants thereof. The respondent may not, therefore, be blamed for the drilling of said wells and the choice of their sites.

As to the remaining unnumbered well also in Suklain, Arayat, Pampanga, it appears that the same is a private well belonging to respondent's father-in-law which was repaired and cleaned, not drilled, by personnel of the NAWASA when the latter were in Arayat to clean Wells Nos. 9019 and 9020. Although the materials were furnished by the owner, government time, labor and equipment were used. This is a clear case of an official taking advantage of his position for private ends. However, the fact that the well in question is also used by the neighborhood and that the tenants of the respondent and/or of his father-in-law were accommodating to the NAWASA personnel during their stay in Batasan may be considered in mitigation of the offense committed.

The alleged unholy conspiracy among the respondents in the construction of the wells in violation of the regulations has not been duly established.

Wherefore, Dr. Cristobal Santiago is hereby considered resigned from office as member of the Board of Directors of the National Waterworks and Sewerage Authority, without prejudice to the collection from him of the money value of the government labor and equipment utilized in the repair and cleaning of the well of his father-in-law.

Done in the City of Manila, this 23rd day of January, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 289
EXONERATING MR. GREGORIO S. DE LA PEÑA, CITY ATTORNEY OF BASILAN CITY.

These are administrative cases filed by Mayor Leroy S. Brown of Basilan City and Mr. Alfonso Alipio against City Attorney Gregorio S. de la Peña of Basilan City, for alleged (1) favoritism, (2) gross ignorance and incompetence, (3) bribery and (4) abuse of authority.

The charges were investigated by the City Attorney of Zamboanga who found respondent guilty of dereliction of duty and abuse of authority in connection with the non-prosecution and prosecution of certain cases. However, the Chief of the Prosecution Division, Department of Justice, finds otherwise and recommends respondent's complete exoneration. The Secretary of Justice agrees with the latter's findings and recommendation, with the observation that "at the most, whatever errors the respondent may have committed were trifles and concerned matters of opinion."

After going over the record, I concur in the findings of the Chief of the Prosecution Division and the observation of the Secretary of Justice. As to the bribery charge, which is the most serious, the same was not duly substantiated. The persons who executed the affidavits containing the imputations were not presented and the respondent was not afforded the opportunity, which he had demanded as a matter of right, to confront and cross-examine the witnesses against him.

WHEREFORE, and upon the recommendation of the Secretary of Justice and the Chief of the Prosecution Division, Department of Justice, City Attorney Gregorio S. de la Peña is hereby exonerated from the charges.

Done in the City of Manila, this 23rd day of January, in the year of Our Lord, nineteen-hundred and fifty-nine, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 290
REQUIRING ALL CONTRACTS TO BE ENTERED INTO BY ALL BUREAUS AND OFFICES,
AGENCIES AND INSTRUMENTALITIES OF THE NATIONAL GOVERNMENT, INCLUDING
THOSE OF ALL GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS,
TO BE SUBMITTED TO THE AUDITOR GENERAL FOR REVIEW.

In the interest of public service, and as a provisional measure pending enactment by the Congress of appropriate legislation on the matter, I, CARLOS P. GARCIA, President of the Philippines, pursuant to the powers vested in me by law, do hereby require that all contracts of; whatever nature involving ₱10,000 or more to be entered into by all bureaus and offices, agencies and instrumentalities of the National Government, and those of the government-owned and controlled corporations, including the Philippine National Bank, the Development Bank of the Philippines, and the Central Bank, except with respect to contracts concerning industrial, commercial and fiscal operations or transactions of these last three named corporations, shall be submitted to the Auditor General for examination and review before the same are perfected and/or consummated.

If the Auditor General interposes any objection to the proposed contract, the matter shall be submitted to the President for final decision.

Done in the City of Manila, this 3rd day of February, in the year of Our Lord, nineteen hundred and fifty-nine and of the Independence of the Philippines, the thirteenth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) JUAN C. PAJO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 291

CONSIDERING MESSRS. VICENTE B. CUSTODIO AND ELIAS F. REYES AS HAVING
RESIGNED FROM OFFICE AS JUSTICES OF THE PEACE OF SANTA AND NARVACAN,
ILOCOS SUR, RESPECTIVELY.

This refers to the administrative cases against Messrs. Vicente B. Custodio and Elias F. Reyes, justices of the peace of Santa and Narvacan, Ilocos Sur, respectively, which arose from an anonymous complaint that Jose Bueno, a national prisoner then serving sentence in the national penitentiary at Muntinlupa, Rizal, was allegedly allowed to stay in the municipal jail of Santa, Ilocos Sur, for two months to await the preliminary investigation of a fabricated criminal complaint before the justice of the peace court of said municipality. A special attorney of the Department of Justice conducted a fact-finding investigation which led to the filing of formal charges against Mr. Custodio for neglect of duty and violation of the Rules of Court in continuously postponing the hearing of the slander case against Jose Bueno when he should have immediately inhibited himself because of his relationship to the accused who is his brother-in-law, and against Mr. Reyes for, among others, grave abuse of authority in issuing an illegal order for the confinement of Jose Bueno, a national prisoner, in the municipal jail of Santa, Ilocos Sur, and keeping him there for two months.

The charges were investigated by the District Judge of Ilocos Sur in which respondents did not present any evidence on their behalf but relied solely on their answers and the records of Criminal Case No. 232 of the justice of the peace court of Santa and Criminal Case No. 1181 of the Court of First Instance of Ilocos Sur for their defense.

The undisputed facts are as follows:

Jose Bueno, a brother-in-law of respondent Custodio, was convicted by the Court of First Instance of Ilocos Sur of rape on February 4, 1950, and was sentenced to imprisonment of from 12 years and 1 day to 20 years. This decision was affirmed by the Court of Appeals on September 25, 1953. While the above case was pending, Bueno was again accused of the crime of attempted rape in Criminal Case No. 1181 of the same court.

Before Bueno started serving his sentence on March 15, 1954, a criminal case for grave slander by deed was presented against him in the justice of the peace court of Santa (Crim. Case No. 232) on January 12, 1954. Respondent Custodio accepted the complaint and issued a warrant of arrest for the accused. The following day he accepted and approved the bond for the provisional release of the accused which he had fixed at ₱600. Thereafter and up to January 24, 1956, Custodio did nothing on the case.

On October 19, 1956, the Court of First Instance of Ilocos Sur ordered Bueno brought from Muntinlupa to Vigan for trial in Criminal Case No. 1181. When the case was called on November 23, 1956, it was provisionally dismissed because of the unavailability of the complainant and her witnesses. The next day respondent Custodio called Criminal Case No. 232 for trial, and Bueno pleaded not guilty and announced his intention to present witnesses on his behalf. Respondent Custodio set the

case for hearing on December 3, 21 and 27, 1956, and January 26, 1957, but the records do not show what transpired on those dates.

On January 26, 1957, or more than three years from the filing of the complaint in Criminal Case No. 232, respondent Custodio inhibited himself from the case on the ground of his relationship to the accused and requested the designation of the nearest justice of the peace to hear the same. Thereupon the District Judge directed respondent Reyes to take over the case.

On February 5, 1957, acting on the motion of Bueno's counsel, respondent Reyes ordered the confinement of Bueno in the municipal jail of Santa, Ilocos Sur, during the pendency of his criminal case. Bueno, an insular prisoner, remained there from February 5 to April 4, 1957, when respondent Reyes ordered his return to Muntinlupa. During that period respondent Reyes granted several postponements of the hearing of the case, all upon the request of the accused.

Finally, on May 7, 1957, this respondent forwarded the record of Criminal Case No. 232 to the Court of First Instances of Ilocos Sur which dismissed the same on motion of the provincial fiscal for, among other grounds, lack of interest of the offended party.

Respondent Custodio alleges that he did not inhibit himself immediately because the accused might waive his right to a preliminary investigation, and he could remand the case right away to the Court of First Instance. His allegation is untenable. It appears that on November 24, 1956, Bueno, his brother-in-law, entered a plea of not guilty and announced his intention to testify on his behalf and to present witnesses for his defense. Yet respondent did not inhibit himself but, on the contrary, set the case for hearing on December 3, 21, and 27, 1956, and January 26, 1957. Notwithstanding the clear injunction of the Rules of Court, it took him more than three years to disqualify himself. In the meantime, he sat on the case, fixed the amount of bail and granted numerous postponements.

It is very apparent from the facts and attendant circumstances that respondent Custodio wanted to favor the accused by delaying the proceedings. From the time of the filing of the complaint on January 12, 1954, to March 15, 1954, when the accused, the complainant, and the witnesses were available, respondent did absolutely nothing with the case. And from November 24, 1956, when Bueno pleaded not guilty, to January 26, when respondent finally inhibited himself, he issued several subpoenas to the accused to appear for trial which never took place, clearly indicating a pattern of procedure calculated to enable the accused, his brother-in-law and a national prisoner, to be in his home town of Santa, Ilocos Sur. When the case was indorsed to Reyes, the other respondent, it was already after more than three years. The latter forwarded the case to the Court of First Instance where it was dismissed upon motion of the provincial fiscal, for lack of interest on the part of the complainant.

Respondent Reyes contends that in ordering the confinement of a national prisoner in the municipal jail of Santa without previous approval of superior judicial officers he did not violate any law or regulation. This contention is without merit. His said carder was patently illegal. The fact that the prisoner was then temporarily detained in the stockade of the PC Headquarters at Vigan, Ilocos Sur, did not give respondent authority to issue his aforesaid orders. In the first place, Bueno's presence in Vigan was in obedience to a subpoena of the Court of First Instance of Ilocos Sur issued for the purpose of securing his attendance at the hearing of Criminal Case No. 1181. Secondly, Bueno was then an insular prisoner under the "supervision and control" of the Bureau of Prisons which was "charged with his safekeeping" (Sec. 1707, Rev. Adm. Code). By his order of February 5, 1957, respondent Reyes illegally deprived the Director of Prisons of the custody and safekeeping of the prisoner for two months—an unwarranted interference and a grave abuse of authority.

Under the law, processes of inferior courts "shall not be served outside the boundaries of the province; comprising their respective municipalities, except with the approval of the judge of first

instance of said province” (Sec. 4, ‘Rule 124, Rules of Court). And “if a prisoner, not confined in a municipal jail, is required to appear before an inferior court, the Judge of the Court of First Instance of the province where the inferior court is sitting, or any Justice of the Court; of Appeals or of the Supreme Court may issue the subpoena” (Sec. 2, Rule 29, *ibid.*). Prisoner Jose Bueno, who was serving a 20-year term of imprisonment in the national penitentiary was “not confined in a municipal jail” but was under the legal custody of the Director of Prisons. Yet, respondent Reyes issued the order of February 5, 1957, under his own authority and without coursing the same throught the Judge of the Court of First Instance of Ilocos Sur.

It is significant to note that in the motion of Bueno’s counsel dated February 4, 1957, it was prayed that the accused be “ordered confined either at the place where he is still confined either at the Stockade, PC Hq. Tamag, Vigan, Ilocos Sur, or at the Municipal Jail at Santa, Ilocos Sur, or at any other place allowed by law where his safety is secured.” Strangely, respondent chose to have the accused confined at Santa, Ilocos Sur, which, choice he immediately effected through the issuance of his illicit order. Therefore, he sat on the case against Bueno for two months by granting three postponements all upon the request of the accused. I am thus inclined to believe that respondent Reyes, with grave abuse of authority, adopted this course of action for no other purpose than to enable the prisoner, a brother-in-law of his fellow justice of the peace, to enjoy a prolonged stay in his home town of Santa, Ilocos Sur.

The District Judge recommended that the respondents be suspended from office for one month. However, the then Secretary of Justice believed that the seriousness of the irregularities committed warranted their complete separation from the service. After considering the matter carefully, I believe that the judge’s recommendation is rather too lenient and that of the former Secretary somewhat severe, involving as it does forfeiture of benefits for service in the Government. A course somewhere in the middle is believed appropriate in the premises.

WHEREFORE, Messrs. Vicente B. Custodio and Elias F. Reyes are hereby considered as having resigned from office as justices of the peace of Santa and Narvacan, Ilocos Sur, respectively, effective upon receipt of a copy of this order, without prejudice to receiving such retirement and/or other benefits as they may be entitled to under the law.

Done in the City of Manila, this 11th day of February, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the thirteenth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) JUAN C. PAJO
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1959). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 292
REORGANIZING THE PHILIPPINE INFORMATION AGENCY, CREATED BY
ADMINISTRATIVE ORDER NO. 60, SERIES OF 1954, AS AMENDED BY ADMINISTRATIVE
ORDER NO. 177, SERIES OF 1956.

For the purpose of promoting the prestige and national interests of the Republic of the Philippines locally and abroad through the dissemination of accurate information concerning its political, economic, social and cultural conditions and activities, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby reorganize the Philippine Information Agency, created by Administrative Order No. 60, series of 1954, as amended by Administrative Order No. 177, series of 1956, and placed under the Office of the President. This agency shall be administered by a Director and supervised by an advisory board composed of the following:

Hon. Juan C. Pajo.....	Chairman
Hon. Jose C. Nable	Vice-Chairman
Hon. Mariano K. Logarta.....	Executive Director
Col. Vicente O. Tiongson	Member
Capt. Marcelo E. Inton	Member
Mr. Ramon V. Mitra	Secretary to the Board and Director of the Agency

1. The Philippine Information Agency shall have the following duties and functions:

- a. To gather political, economic, social and administrative intelligence information vital to national security and interests.
- b. To coordinate the preparation of all government information and production of publication intended for local and overseas circulation.
- c. To provide services and materials needed for carrying out government publicity locally and abroad.
- d. To establish and maintain contacts for continuous and effective dissemination of government information locally and abroad.
- e. To release official texts of government documents for national and international consumption.
- f. To prepare and release information on the government's position on national and international issues.
- g. To prepare background materials on important local issues and developments for use of foreign affairs officers and for circulation abroad.
- h. To compile and distribute general information on the Philippines of interest abroad.

2. In carrying out the functions above enumerated, the Philippine Information Agency shall use the following channels of distribution:

- a. Philippine embassies and consulates abroad.
- b. Foreign embassies and consulates in the Philippines.
- c. Trade and business organizations, such as the Philippine Association, chambers of commerce with connections abroad, etc.
- d. Newspapers, local and abroad.
- e. TV and radio stations, local and abroad.
- f. Tourist centers, local and abroad.

3. The Philippine Information Agency shall have a central administrative office under the Office of the President. Three regional offices shall be established abroad. The Philippine Embassy in Washington, D.C., U.S.A., shall be the regional office of the Agency for North and South America. The Philippine Embassy in London, England, shall be the regional office of the Agency for Europe and Africa. For the time being, the central administrative office of the Agency in Manila shall also be the regional office for Asia, the Southwest Pacific and the Middle East. For the immediate performance of the functions of the Philippine Information Agency in North and South America, the President shall designate a regional office in Washington, D.C., U.S.A.

The regional offices shall perform the following functions:

- a. To plan an information campaign in the region.
- b. To supervise production of materials prepared by the Agency.
- c. To arrange for translation of materials when necessary for Asian, European and South American countries.

4. The Philippine Information Agency is authorized to call upon any department, bureau, office, agency or instrumentality of the Government, including the corporations owned and controlled by it, for such assistance, financial and otherwise, as it may need in carrying out its functions.

5. The Advisory Board shall hold regular meetings of once a week and such number of special meetings as may be called by the Chairman or by any three members from time to time.

This Order, which supersedes Administrative Order No. 60, series of 1954, as amended by Administrative Order No. 177, series of 1956, shall take effect as of September 1, 1958.

Done in the City of Manila, this 3rd day of March, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the thirteenth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) JUAN C. PAJO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 293

**AUTHORIZING THE USE OF THE REPUBLIC OF THE PHILIPPINES SHIP LAPU-LAPU
FOR THE 1959 FLOATING EXPOSITION AND CULTURAL MISSION TO NEIGHBORING
COUNTRIES IN THE FAR EAST.**

WHEREAS, the Republic of the Philippines has long-recognized the need of familiarizing her neighboring countries with Philippine products and culture;

WHEREAS, the Administration is aware that it is a function of government to help promote the growth and expansion of local industries;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby direct the use of the Republic of the Philippines Ship Lapu-Lapu (PY77), Philippine Navy, to convey a goodwill, trade, agricultural, industrial, and cultural mission to South Vietnam, Thailand, Singapore, Indonesia, Hongkong, South Korea, and Japan. The cost of all petroleum oil products and fresh water consumed or expended during the voyage, all pilotage, harbor, and berthing fees, and other sundry expenses that may be incurred in the operation of the vessel shall be jointly borne by the participating Chambers of Commerce, Industry and Agriculture in such proportion as may be determined by them. The Philippine Navy shall defray all pay and allowances due the complement of the vessel, including overseas pay.

Done in the City of Manila, this 17th day of April, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 294
AUTHORIZING THE OCEANIC INSURANCE CO., INC. TO BECOME A SURETY UPON
OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond, or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the OCEANIC INSURANCE CO., INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the OCEANIC INSURANCE CO., INC., to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 18th day of April, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 295

CONSIDERING MR. MANUEL R. VALDEZ RESIGNED AS JUSTICE OF THE PEACE
OF MARIA, SUBPROVINCE OF SIKUIJOR, PROVINCE OF ORIENTAL NEGROS.

These are administrative cases against Mr. Manuel R. Valdez, justice of the peace of Maria, subprovince of Siquijor, province of Oriental Negros, for alleged abuse of authority and discretion (Administrative Case No. S-2) and abuse of office (Administrative Case No. S-3) which were investigated by the Provincial Fiscal by delegation of the Executive Judge who submitted his report and recommendation on the basis of the investigation thus conducted.

Administrative Case No. S-2

1. It appears that in the afternoon of September 11, 1955, Pedro Miquiabas was stabbed allegedly by Petronilo Saliot, Celestino Villamor and Demetrio Abalayan. The culprits fled from the scene of the crime and search parties went out to look for them. In the evening of that day respondent, with a pistol in his right hand and a flashlight in the left, accompanied by two others, went up the house of Moises Saliot without any permission from the occupants or legal authorization to make a search therein. Pointing the pistol at Bautisto Saliot and Marciano Dizon who were in the house, he inquired for Petronilo Saliot. Not satisfied with the answer that he was not there, respondent went to a room where a 16-year-old girl was sleeping and then to the kitchen where he found the owner of the house, Moises Saliot, to whom he apologized for the intrusion.

Respondent denied having gone to the house of Moises Saliot on the night in question although he admitted having been with a search party that went to the premises of the schoolhouse with his flashlight. He claimed that his licensed pistol was at the time loaned to the chief of police who in turn had given his gun to a policeman in charge of a posse looking for the malefactors.

Respondent's defense does not merit serious consideration. His denial cannot prevail over the affirmative testimony of witnesses who identified him as having gone to the house of the Saliots and made the unlawful search in an intimidating manner. They appear to have no sufficient motive to testify falsely against him. Considering the commotion caused by the culprits who posed a serious danger in the community, it is incredible that respondent would have parted with his gun and left himself and his family unprotected, or that the chief of police could still have time to issue a receipt for the gun.

2. As a result of the stabbing of Pedro Miquiabas, four persons were charged by the chief of police with frustrated murder; namely, Petronilo Saliot, Celestino Villamor, Demetrio Abalayan and one John Doe. The complaint was supported by affidavits, Exhibits E-1, E-2 and E-3 (translations, Exhibits F, G and H, respectively). The bond fixed originally at ₱17,000 was reduced to ₱15,000.

The case was forwarded to the Court of First Instance which dismissed it for insufficiency of evidence on motion of the Provincial Fiscal who directed the chief of police of Maria to file a complaint for less serious physical injuries against Petronilo Saliot alone. The action of the Fiscal appears well taken, there being no sufficient proof of intent to kill and conspiracy.

Respondent explained, however, that there was a certain witness named Lomuntad, whose testimony does not appear on record, who would substantially bolster up the charge. The taking into account by respondent of unrepresented testimony was palpably irregular and an abuse of discretion as he should have based his actuations only on the evidence presented before him.

When respondent tried to exculpate himself by saying that he could not teach the prosecution what to do, he in effect subordinated his own discretion to that of the chief of police and automatically accepted the proffered complaint. In so doing he disregarded the purposes of a preliminary investigation: to wit, to determine whether a crime had been committed and that the accused had probably committed it. Respondent's action in accepting the serious accusation against the accused on the basis of the evidence on hand and fixing a high bail bond for the accused was hasty and arbitrary. He thereby failed to safeguard the innocent from hasty and groundless prosecution and the State from useless and unnecessary court proceedings.

Administrative Case No. S-3

On October 4, 1956, Bernabe Patarlas was convicted by respondent of violation of Commonwealth Act No. 447 (kaingin law). Immediately after the decision was read shortly before noon that day, Patarlas gave notice of his intention to appeal. He was then a detention prisoner, having been unable to file bond due, he claimed, to his failure to contact the respondent for the purpose. His bondsmen arrived about 1:30 p.m. on the same day that he was sentenced, but respondent was no longer in his office. Patarlas and his bondsmen, accompanied by the chief of police, then went to respondent's house but they were told that he had gone to Dumaguete bringing with him the records of the case. On October 10, 1956, when respondent was again approached for the filing of the bond, he stated that he could not accept the same as the records had already been transmitted to the Court of First Instance.

While there is no positive evidence that respondent intentionally brought the records of the case to Dumaguete on the same day that he sentenced the complainant in order to deprive him of the opportunity to file an appeal bond, yet his explanation for his apparent undue haste is far from convincing. The Rules of Court (Sec. 7, Rule 119) allow him five days to transmit the records to the Court of First Instance. His claim that there were some exhibits which could not be mailed and that he had to make the trip personally is unsatisfactory. The tin plate containing the notice prohibiting occupancy of public forest presented as exhibit could have been mailed with the records without much difficulty. There was no showing that previously he personally carried the records in other cases, civil or criminal. As observed by the trial judge, the fact that complainant, after his arrest, could not file a bond as respondent could not be located by his bondsmen in the municipality and that respondent rushed to cross the channel to carry the records to Dumaguete after complainant's conviction clearly savors of a wilful design to deny the complainant the opportunity to file a bond and in effect refused his right to bail. This constitutes a flagrant abuse of office.

The District Judge, with whom the Secretary of Justice concurs, recommends respondent's separation from the service. By his conduct the respondent has truly rendered himself unfit to remain in office.

Wherefore, Mr. Manuel R. Valdez is hereby considered resigned as justice of the peace of Maria, Siquijor, Occidental Negros, effective upon receipt of a copy of this order.

Done in the City of Manila, this 21st day of April, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 296
AUTHORIZING THE UTILITY ASSURANCE & SURETY CO., INC., TO BECOME A SURETY
UPON OFFICIAL RECONIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the UTILITY ASSURANCE & SURETY CO., INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the UTILITY ASSURANCE & SURETY CO., INC., to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 21st day of April, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 297

**AUTHORIZING THE FEDERAL INSURANCE COMPANY, INC. TO BECOME A SURETY UPON
OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond, or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board, or body whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the FEDERAL INSURANCE COMPANY, INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the power vested in me by law, do hereby authorize the FEDERAL INSURANCE COMPANY, INC., to become a surety upon official recognizances, stipulations, bonds, and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 21st day of April, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 298
REMOVING MR. OSCAR L. BALTAZAR FROM OFFICE AS JUSTICE OF THE PEACE
OF PANIQUI, TARLAC.

This is an administrative case filed by Mrs. Glicería N. Domingo, against Justice of the Peace Oscar L. Baltazar of Paniqui, Tarlac, charging the respondent with acts of lasciviousness and attempted rape allegedly committed on the person of the complainant. The case was investigated by the district judge who recommends the respondent's dismissal from the service.

It appears that complainant is married to Atty. Lazaro C. Domingo who is a nephew of respondent's wife. In a previous administrative case respondent was successfully defended by Attorney Domingo. The Domingos and respondent were, previous to the incidents in question, very close friends and respondent frequented the Domingo home where he was treated like a member of the family. Being provincial coordinator in Tarlac for one of the presidential aspirants in the last general elections, complainant's husband was out of the conjugal home most of the time prior to and after the elections on November 12, 1957.

According to the complainant, on the night of November 6, 1957, while her husband was out, respondent went to her house and kissed her against her will as she was entertaining him, for which she kicked him. Two days later, about 9:30 P.M., when her husband also was away, respondent returned to complainant's house and kissed her again while she was seated on her husband's office chair. She pushed him and proceeded to the sala but he followed her. After trying to pacify her anger, respondent dragged her to the bedroom where, with his private parts exposed, he attempted to raise her dress over her opposition. Nevertheless, he managed to kiss her once more by holding her neck and arm. At this juncture a brother-in-law of hers showed up, boxed respondent but missed and called him a traitor as he hurriedly made his way out.

In his defense respondent alleged that the complainant just playfully kissed him on the cheek in her effort to win him over to her presidential candidate, which complainant's brother-in-law misinterpreted. He also alleged that the complaint was presented because of the unfounded jealousy of her husband who maltreated her.

After a careful review of the record, I agree with the Secretary of Justice that the evidence is not conclusive that the respondent attempted to rape the complainant. However, I agree without reservation, like the Secretary, with the investigator in finding that the respondent, with grave abuse of confidence and obvious ungratefulness, did commit lascivious acts on the complainant by kissing her against her will and dragging her to the bedroom in complainant's house on the occasions previously mentioned and in the lewd manner exhibited by him. Respondent's defense that it was the complainant who kissed him in jest, and not he who did it to her with unchaste designs, is too flimsy and incredible to merit serious consideration. By his immoral and despicable conduct the respondent has rendered himself utterly unfit for his position. As aptly observed by the Secretary of Justice:

“When a man, married and with several children, could abuse the confidence and take advantage of the absence of his personal friend, nephew-in-law, and former counsel, by forcing his attentions on the latter’s wife in the very house where that man is given freedom to come and go as a respected relative and trusted friend, such a man lacks the requisite concept of morality and responsibility and surely does not deserve to stay in a position of prestige and power and to remain clothed with the judicial robe of a magistrate. . . .”

WHEREFORE, and upon the recommendation of the Secretary of Justice and the district judge, Mr. Oscar L. Baltazar is hereby removed from office as justice of the peace of Paniqui, Tarlac, effective upon receipt of a copy of this order.

Done in the City of Manila, this 29th day of April, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1958). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 299

AMENDING ADMINISTRATIVE ORDER NO. 293, DATED APRIL 17, 1959,
AUTHORIZING THE USE OF THE REPUBLIC OF THE PHILIPPINES SHIP LAPU-LAPU
FOR THE 1959 FLOATING EXPOSITION AND CULTURAL MISSION TO NEIGHBORING
COUNTRIES IN THE FAR EAST.

By virtue of the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby amend Administrative Order No. 293, dated April 17, 1950, by including Formosa among the countries to be visited by the 1959 Floating Exposition and Cultural Mission on board the Philippine Ship Lapu-Lapu.

Done in the City of Manila, this 18th day of May, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 300
CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE THIRTEENTH
ANNIVERSARY CELEBRATION OF THE REPUBLIC OF THE PHILIPPINES ON JULY 4, 1959

Pursuant to the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby create a National Committee to formulate plans and devise ways and means for the appropriate celebration of the Thirteenth Anniversary of the Republic of the Philippines on July 4, 1959. The Committee shall be composed of the following:

Hon. Alejo Santos, Secretary of National Defense	Chairman
Hon. Angel M. Castaño, Secretary of Labor	Vice-Chairman
Hon. Jose E. Romero, Secretary of Education.....	"
Hon. Elpidio Valencia, Secretary of Health.....	"
Hon. Pablo M. Cruz, Acting Administrator of Economic Coordination...	"
Hon. Madki Alonto, Commissioner, National Integration.....	"
Hon. Jose C. Nable, Press Secretary	"
The Chairman, Governors and City Mayors League of the Philippines....	"
The Chairman, League of Members of Provincial Boards	"
Dr. Andres V. Castillo, Deputy Governor, Central Bank of the Philippines..	"
Mr. Gregorio S. Licaros. Chairman, Development Bank of the Philippines	"
Hon. Eduardo Z. Romualdez, President, Philippine National Bank	"
The President, University of the Philippines.....	"
The President, Philippine Association of Colleges and Universities (PACU)	"
The National Commander, Veterans Federation of the Philippines	"
The Commissioner on Tourism.....	"
The President, Chamber of Commerce of the Philippines.....	"
The President, Philippine Chamber of Industries	"
The President, Chamber of Agriculture and Natural Resources	"
The President, Bankers Association of the Philippines	"
The President, Manila Rotary Club	"
The President, Manila Junior Chamber of Commerce.....	"
The President, Lions Club of Manila	"
The President, National Press Club of the Philippines	"
The President, Civic Assembly of Women of the Philippines.....	"
The General Manager, Philippine Association	"
Mr. Aguinaldo C. Maaba	Member Secretary

The Committee shall meet at the call of the Chairman and, for the purpose of discharging its functions, may create such subcommittees as may be necessary.

Done in the City of Manila, this 28th day of May, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**
President of the Philippines

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 301

**AUTHORIZING THE R AND B SURETY & INSURANCE CO., INC., TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS, AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the R AND B SURETY & INSURANCE CO., Inc., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the R AND B SURETY & INSURANCE CO. INC., to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 3rd day of June, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the thirteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 302
AUTHORIZING THE NORTHWEST INSURANCE AND SURETY CO., INC.
TO BECOME A SURETY UPON OFFICIAL RECOGNIZANCES, STIPULATIONS,
BONDS AND UNDERTAKINGS.

WHEREAS, section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond, or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal, or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the NORTHWEST INSURANCE AND SURETY CO., INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the NORTHWEST INSURANCE AND SURETY CO., INC., to become a surety upon official recognizances, stipulations, bonds, and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 31st day of July, in the year of our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 303
PROVIDING FOR THE CELEBRATION OF EDUCATION WEEK AS DECLARED
BY PROCLAMATION NO. 409, DATED SEPTEMBER 14, 1953.

WHEREAS, the second week of September of every year was declared as Education Week under Proclamation No. 409, dated September 14, 1953; and

WHEREAS, it is necessary that steps be taken for the effective celebration of the week;

NOW, THEREFORE, I, Carlos P. Garcia, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1. Education Week shall be celebrated under the auspices of the Department of Education.
2. A national committee is hereby created to draft the program of activities for the week. The committee shall be composed of the following:

The Secretary of Education.....	Chairman
The President, University of the Philippines.....	Member
The President, Philippine Association of Colleges and Universities.....	"
The President, Philippine Federation of Parent-Teacher Associations	"
The Chairman, Family Life Workshop of the Philippines	"
The President, Chamber of Commerce of the Philippines.....	"
The President, Philippine Chamber of Industries	"
The President, Chamber of Agriculture and Natural Resources	"
The President, Manila Rotary Club	"
The President, Lions Club of Manila	"
The President, Manila Junior Chamber of Commerce.....	"
The President, National Press Club of the Philippines	"
The President, Katipunang Mangagawang Filipino	"

3. One of the features of the provincial celebration shall be the holding of educational conference and of the regional conference according to the plan approved in the Superintendents' Convention.

Done in the City of Manila, this 4th day of August, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 304
DESIGNATING THE UNDERSECRETARY OF AGRICULTURE AND NATURAL
RESOURCES, AS COORDINATOR OF THE INTER-DEPARTMENTAL ANTI-LOCUST
CAMPAIGN IN MINDANAO

In accordance with the Decision of the Cabinet at its regular meeting on June 3, 1959, to intensify the anti-locust campaign of the Administration in Mindanao, and order to coordinate all the locust campaign activities of the government all over the country, the Undersecretary of Agriculture, Department of Agriculture and Natural Resources, is hereby designated as Coordinator of all the Inter-Departmental Anti-Locust Campaign activities in Mindanao. As Coordinator, the Undersecretary of Agriculture is hereby authorized to avail of the services of all the personnel, resources, and available facilities, such as vehicles, spraying equipment, etc., of the Departments of Agriculture and Natural Resources, Education, and National Defense in all locust infested areas for the purpose of effectively waging the locust campaign.

In the implementation of this order, all the field personnel of the Departments of Agriculture and Natural Resources, Education, and National Defense, particularly those in Mindanao, are hereby directed to give full cooperation and support to the personnel of the Bureau of Plant Industry now waging the locust campaign in all the infested areas.

Done in the City of Manila, this 5th day of Aug., in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 305
CREATING A COORDINATING COMMITTEE ON RELIEF SERVICE.

In order to meet the urgent need for a more adequate and effective coordination of the activities of the different relief organizations and implementing agencies in connection with relief operations during disasters caused by typhoons, floods, fires, earthquakes and other natural calamities, as well as during emergency other than those caused by natural calamities, a coordinating committee on relief service is hereby created to be composed of the following:

A – NATIONAL LEVEL

The Executive Secretary	Chairman
The Social Welfare Administrator	Vice-Chairman
The Commissioner of the Budget.....	Member
The Undersecretary of Finance	"
The Undersecretary of Agriculture.....	"
The Undersecretary of Public Works.....	"
The Undersecretary of Education	"
The Chief of Staff, Armed Forces of the Philippines	"
The Director of Medical Services.....	"
The Presidential Assistant on Community Development	"
The Manager, Philippine National Red Cross.....	"
The General Manager, National Rice and Corn Corporation.....	"
The General Manager, National Marketing Corporation	"
The General Manager, National Development Company	"
The General Manager, National Waterworks and Sewerage Authority	"

The Chairman, Senate Committee on Social Justice, Community Development and Welfare; the Chairman, House Committee on Agrarian and Social Welfare; and the Deputy Auditor General shall act as advisers to the coordinating committee.

B – PROVINCIAL LEVEL

The Provincial Governor	Chairman
The Provincial SWA Representative.....	Vice-Chairman
The Provincial Treasurer	Member
The Provincial Agriculturist	"
The Highway District Engineer	"
The Division Superintendent of Schools	"

The Provincial Commander, Philippine Constabulary	"
The Provincial Health Officer	"
The Provincial PACD Representative	"
The Chapter Administrator, Philippine National Red Cross	"
The Provincial NARIC Representative	"
The Provincial NAMARCO Representative	"
The Provincial NDC Representative	"
The Waterworks District Engineer and/or the District Supervising Well Driller, NWSA	"
The Provincial Auditor	Adviser

The Provincial NARIC, NAMARCO, and NDC representatives shall be designated by competent authorities at the beginning of each fiscal year for each province.

C – CITY LEVEL

The City Mayor	Chairman
The City SWA Representative	Vice-Chairman
The City Treasurer	Member
The Provincial Agriculturist	"
The City Engineer	"
The Superintendent of Schools	"
The Provincial Commander, Philippine Constabulary	"
The City Health Officer	"
The Provincial PACD Representative	"
The Chapter Administrator, Philippine National Red Cross	"
The Provincial NARIC Representative	"
The Provincial NAMARCO Representative	"
The Provincial NDC Representative	"
The Waterworks District Engineer and/or District Supervising Well Driller, NWSA	"
The City Auditor	Adviser

D – MUNICIPAL LEVEL

The Municipal Mayor, who shall be the Chairman of the Committee, may designate such other municipal officials as may be necessary to effectively extend relief assistance to calamity victims. If necessary he may call upon, for assistance, the respective Chairman of the National, Provincial and City Levels of the Coordinating Committee on Relief Service.

Voluntary relief assistance extended by civic organizations, like the LIONS, ROTARY, and JAYCEES, and by charitable institutions shall be coordinated with the respective Chairman of each committee level.

Extension of relief assistance during disasters or calamities as specified in the first paragraph of this Order, occurring within the subprovinces and the municipal districts shall be undertaken by the Provincial Level Committee and Municipal Level Committee, respectively, to be assisted, if necessary, by the National Level Committee and the City Level Committee.

I – KINDS OF RELIEF ASSISTANCE

For the guidance of the coordinating committee in the performance of its functions, relief assistance is hereby classified into emergency and rehabilitative. Emergency relief shall include the immediate distribution of food, water, clothing, medicine and other material assistance, as well as the provisions for emergency shelter, necessary transportation and adequate security. Rehabilitative relief shall include improvement of the sanitary condition and health of the calamity-stricken area, introduction of sanitary measures, establishment of self-help projects, extension of medical care and slum clearance.

II – FUNCTIONS

The relief agency members shall perform the following functions:

A – EMERGENCY

1. The Social Welfare Administrator shall

- (a) Conduct an on-the-spot survey to determine extent of damage and number of victims eligible for immediate assistance and relief;
- (b) Refer cases of victims needing immediate medical care to nearby medical units;
- (c) Effect immediate arrangement for emergency shelter;
- (d) Distribute adequate relief in the form of foodstuffs and clothing;
- (e) Dispatch an emergency relief team from the SWA Central Office to the disaster-stricken area with additional relief supplies when local SWA Units cannot cope adequately with the situation;
- (f) Coordinate with local government officials and civic organizations in order to avoid duplication of services;
- (g) Extend guidance, counselling, and other special services to boost the morale of the victims and determine their other needs; and
- (h) Prepare case records of victims, in close coordination with participating teams and agencies, to determine and insure the necessity of further rehabilitative services.

2. The Department of Agriculture and Natural Resources, through the Bureau of Agricultural Extension, Bureau of Plant Industry, Bureau of Forestry, and the Bureau of Animal Industry, shall

- (a) Conduct a survey and investigation of the extent of damage to crops and livestock in the effected areas; and
- (b) Help the people, especially the farmers, save whatever crops and livestock that might have survived the calamity.

3. The Department of Public Works and Communications shall

- (a) Direct its field offices to mobilize all possible men and equipment;
- (b) Release appropriate and available funds for the restoration of damaged or destroyed structures and other buildings; and
- (c) Cooperate with other government agencies and relief organizations.

4. The Chief of Staff, AFP, shall

- (a) Provide necessary transportation, security, emergency shelter, communication facilities;
- (b) Extend assistance in the distribution of relief goods and supplies.

5. The Department of Health, through the Bureau of Medical Services shall
 - (a) Establish emergency stations for the purpose of rendering first aid treatment and other medical services to those who suffer injuries as a consequence of the calamity;
 - (b) Prepare wounded or injured people for hospitalization in hospitals nearest to the site of the disaster; and
 - (c) Assist in the distribution of emergency aid, such as medicine and other relief goods.
 6. The Presidential Assistant on Community Development, through his provincial community development personnel, shall assist other relief agencies.
 7. The Philippine National Red Cross shall
 - (a) Conduct on-the-spot survey of sufferers as basis for relief distribution;
 - (b) Effect immediate distribution of food and other basic necessities during emergency period immediately following the disaster;
 - (c) Locate sufferers in homes of friends, neighbors and relatives for emergency shelter, available public buildings to be used for this purpose;
 - (d) Render first aid treatment to disaster victims;
 - (e) Assist sufferers in establishing contacts with relatives living in other provinces; and
 - (f) Coordinate with other agencies.
 8. The National Rice and Corn Corporation shall
 - (a) Make available for sale at government price such quantity of rice and corn as may be needed for distribution to disaster victims;
 - (b) Put up stores (either stationary or rolling) where rice at government price may be made available for sale to the victims; and
 - (c) Upon approval of the NARIC Board of Directors, extend on credit to government instrumentalities and agencies such amount of rice and corn as may be needed at the time of calamity, in a quantity not exceeding the equivalent of five days ration as determined by the Social Welfare Administration.
 9. The National Marketing Corporation shall
 - (a) Make available for sale at government price to the SWA or any other arm of the Relief Task Force such quantities of canned goods and other foodstuffs as may be needed for immediate distribution to the victims of calamities;
 - (b) Put up stores, either stationary or rolling, in places of calamity in case the retail outlets of the NAMARCO thereat may be found inadequate;
 - (c) Direct its distributors and retailers to assist in the extension of relief assistance by making available to disaster victims commodities at government price;
 - (d) Upon approval by its Board of Directors, extend on credit to government instrumentalities and agencies such basic commodities as may be needed at the time of calamity, such as canned milk, canned fish, canned meat and certain construction materials, in a quantity not exceeding the equivalent of five days' ration as determined by the Social Welfare Administration.
 10. The National Development Company shall
 - (a) Assist the SWA in the requisition and procurement of textile and other clothing materials;
 - (b) Upon approval by its Board of Directors, extend credit to government instrumentalities and agencies such commodities, which are produced by the NDC as may be needed at the time of calamity, in quantity not exceeding the equivalent of five day ration as determined by the Social Welfare Administration.
-

11. The National Waterworks and- Sewerage Authority shall

- (a) Take immediate steps necessary to restore damaged water supply facilities or provide alternative source of supply and shall see to it that the water is safe for human consumption;
- (b) Keep in stock the necessary quantity of disinfecting materials, equipment, and other things that the Authority may need; and
- (c) Secure the assistance, including personnel, materials and equipment, of the municipal, city, provincial, or national agencies.

B – REHABILITATIVE

1. The Social Welfare Administration shall create local screening committees to review case records of all disaster victims and determine their eligibility for rehabilitative services, cash aid, building materials, additional relief supplies, etc.

2. The Department of Agriculture and Natural Resources, through the aforesaid bureaus, shall

- (a) Help and guide the farmers where to secure seeds and plant materials as well as livestock with which to rehabilitate their farms;
- (b) Help the people, especially the farmers, in the control of plant and animal pests and diseases;
- (c) Help the farmers in the solution of their various agricultural problems arising from a disaster.

3. The Department of Public Works and Communications shall assist in the reconstruction of community projects, such as artesian wells, school buildings, community centers and other public structures, and in the repair and installation of communication facilities.

4. The Chief of Staff, AFP, shall extend rehabilitative services concerning planning, communication, transportation, legal assistance, construction, intelligence and such other measures as may adequately prevent hoarding of foodstuffs and spiralling of prices.

He shall help other agencies in the implementation of communication, legal assistance and construction requirements.

5. The Department of Health, through the Bureau of Medical Services, shall

- (a) Establish emergency stations for the purpose of immunizing the residents in the affected area in order to prevent the occurrence or spread of an epidemic;
- (b) Help maintain the sanitary conditions in the affected area to forestall the outbreak of diseases or epidemic.

6. The PACD, through proper media, shall guide victims to develop self-help projects.

7. The National Rice and Corn Corporation shall

- (a) Put up agencies where they may be needed to serve both as distribution centers for low-priced rice and as procurement agencies for palay and/or corn which may be produced by the farmer-victims on lots assigned to them by the government.

8. The National Marketing Corporation shall respond to any request of the President with respect to the rehabilitation of a person, group of persons, or of any building or buildings, or of any project or projects, in which the Government is directly interested.

9. The National Development Company shall make available the facilities and personnel of the Home Industries Department of the Company.

10. The National Waterworks and Sewerage Authority shall extend all possible assistance to others in connection with the rehabilitative phase of the relief activities, with special emphasis on its assistance to the repair, and/or reconstruction of artesian wells and/or waterworks.

III – FINANCING

The relief Activities of the Committee shall be financed as follows:

A. In case of extension of emergency relief, the expenses incurred therefor, particularly those affecting distribution of relief assistance, shall be borne by the respective relief agencies, using transportation facilities of the Armed Forces of the Philippines, if organic transportation of relief agencies concerned are neither available nor adequate.

If deemed necessary, provincial relief agencies concerned may incur such overdrafts as may be reasonably sufficient to augment their appropriations for the purpose, such overdrafts to be charged against the contingent fund of the Office of the President.

B. With respect to rehabilitative relief, the cost of rehabilitation shall be borne by the victims, assisted by the Social Welfare Administration. Voluntary contributions for the purpose may be distributed by the coordinating committee with the assistance of the local committee.

IV – RULES AND REGULATIONS

The Committee is hereby authorized to adopt such rules and regulations on working procedures as may be necessary to carry out the aims, objectives and purposes of this Order.

V – REPORTS

At the completion of each relief work, the Committee shall render a report to the President, as well as an annual report which shall include summary of emergency measures, progress of rehabilitation, and recommendations for necessary appropriations for the succeeding fiscal year.

VI – REPEALING CLAUSE

This order supersedes Administrative Order No. 202, dated November 18, 1952, and all inconsistent rules and regulations.

Done in the City of Manila, this 11th day of August, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 306
RELIEVING MR. MONICO L. IMPERIAL AS MAYOR OF NAGA CITY.

This is an administrative case against Mr. Monico L. Imperial, Mayor of Naga City, who is charged in a complaint filed by Mr. Sulpicio de la Trinidad with (1) illegal collection of quarters' allowance beginning June 1, 1954 at the rate of ₱166.66 monthly through his first cousin Dr. Arsenio Imperial by virtue of a simulated private contract executed between them on May 1, 1954 under which Mayor Imperial shall pay ₱170.00 a month as rent for the use of his (respondent's) own house, effective on the said date; and (2) having collected thru his son, Ernesto Imperial, various sums of money from the city government under a contract to furnish the city 500 cubic meters of gravel. The case was investigated by a special investigator of this office, who recommended that the respondent be relieved of his office as Mayor of Naga City in accordance with the provisions of section 7 of the City Charter.

It appears that on May 1, 1954 the respondent, for and in consideration of a loan of ₱3,000 given by his first cousin Dr. Arsenio Imperial, executed a document (Exhibit A) whereby he ceded to the latter the possession and usufruct of his house and lot located in the City of Naga. The pertinent portion of the said document reads as follows:

“2. That for and in consideration of the sum of Three Thousand Pesos (₱3,000.00), Philippine Currency, which the Party of the First received in full and to his entire satisfaction from the Party of the Second, the Party of the First hereby cedes the possession and usufruct of the lot described in par. 1 and the Party of the First agrees that within a period of Six (6) years from the execution of this instrument he shall redeem the same by paying back the principal consideration of this contract to the Party of the Second Part who hereto expresses his conformity.

“3. That during the period stated in par. 2, the party of the First shall use and occupy the house and lot above mentioned, upon payment of a minimum rental of one hundred and Seventy Pesos (₱170.00) a month, which shall be made from time to time between the Parties.”

The respondent affirmed the genuineness of the document and admitted that he has occupied the said house continuously since May 1, 1954. He denied, however, that the document was simulated to enable him to collect quarters' allowance to which he would not be entitled if he occupies his own house during his incumbency.

The respondent was appointed as mayor on May 29, 1954 upon recommendation made by the political loaders of the Bicol region. He assumed the office of mayor on the same day. He claimed that he had no previous knowledge of his forthcoming appointment when he executed the document. Exhibit A, and that the said appointment was a surprise to him. His testimony to this effect has not been controverted.

The evidence discloses that in accordance with the said contract, he paid to Dr. Imperial the rental for the use of the house in question for the month of May, 1954. Since June, 1954, however, Dr. Imperial has been collecting the monthly rental of ₱166.66 from the City Government, corresponding to the respondent's quarters' allowance granted to the latter effective upon his assumption of office, pursuant to section 7, Article II of the City Charter. Although there is no positive proof to show conclusively that the respondent clandestinely received the monthly house allowance from Dr. Arsenio Imperial or paid no rentals to him, yet there are strong indications that point to the questionable character of the contract and which warrant the belief that the cession of the house and lot in favor of Dr. Imperial and its lease to the respondent at a monthly rental of ₱170 was not made in good faith but was resorted to so as to enable the respondent to receive the house allowance which he would not have been entitled to had he kept his house and lot. As a matter of fact, the respondent had not actually paid the said rental to his cousin Dr. Imperial from June 1, 1954 to November 5, 1954 when the Office of the President granted him non-commutable quarters' allowance, because Dr. Imperial collected the rentals corresponding to the said period only after the said allowance had been granted.

In the first place, it is rather unusual for a person who cedes a property in usufruct to retain the possession of the same. Ordinarily, the usufructuary would have the possession and enjoyment of the property, or he may derive income therefrom by leasing it to someone other than the owner. It is not in keeping with the nature of a usufruct that the property should be leased back the very owner from whom it comes and who thereby retains the use and possession of the same by paying rentals therefor.

In the second place, usufruct is not availed of as an accessory obligation to guarantee payment of a loan contracted by the owner. If the rentals due for the use of the property by the owner would not be credited to the amortization of the principal obligation, there is really no loan. Under the arrangement the rentals of ₱170 would be equivalent to interest on the principal obligation and not considered as fruits of the property. It is hard to believe that the respondent who is an intelligent man would pay a monthly interest of ₱170 on a loan of ₱3,000 payable in six years. That would be shockingly usurious and if the respondent apparently consented to this arrangement the only probable reason for so doing was that he did not pay the supposed rental because there was really no loan.

In the third place, the usufruct of the house and lot was never recorded as encumbrance thereon. This circumstance gains added significance when we consider that the property, notwithstanding the alleged usufruct, was mortgaged by the respondent without the intervention of the usufructuary to guaranty a loan of ₱5,000 from the Philippine National Bank (PNB). If the property was held in usufruct, Dr. Arsenio Imperial, the usufructuary, should have been informed of the subsequent mortgage of the property to the PNB. The records show that the respondent was able to mortgage the property as his title thereto was clean and unencumbered.

And lastly, if the house and lot were really ceded to Dr. Arsenio Imperial, and for the duration of the usufruct respondent would be bound to pay a monthly rental of ₱170 for the use of the property, his first impulse upon receiving the ₱5,000 from the PNB would have been to liquidate the loan of ₱3,000 so as to release his property and be relieved of the obligation of paying the monthly rentals. That the respondent did not show any interest and remained unconcerned over the cession of his property to Dr. Arsenio Imperial tends to show that such arrangement was more beneficial to him as he would continue receiving the monthly house allowance from the city government of Naga as it would appear that he had no house of his own. A person who apparently does not care to protect his material interest would not take that attitude unless he derives some kind of benefit from his deliberate omission.

On the whole, I am convinced that the respondent subordinated the interest of the city to his own so as to enjoy a personal benefit in the form of monthly house allowance, thereby failing in his bounden duty under the city charter to safeguard the financial interest of the city.

The second charge that the respondent collected through his son, Ernesto Imperial, various sums of money from the city government under the contract to furnish the city with 500 cu. meters of gravel was not substantiated. The evidence shows that the contract was awarded to the Bicol Development Company through a public bidding conducted by the City Treasurer and approved by the City Engineer and City Auditor. Although Ernesto Imperial is a partner in the Bicol Development Company, the respondent did not in any way intervene in the award of the contract to said firm. Furthermore, the Bicol Development Company's bid was accepted because it was the lowest and most advantageous to the city.

For all the foregoing, and pursuant to the provisions of Section 7 of the Charter of Naga City that the city mayor shall hold office at the pleasure of the President, I hereby terminate the services of Mayor Monico L. Imperial and relieve him of the Office of Mayor of the City of Naga, effective upon receipt of notice hereof.

Done in the City of Manila, this 14th day of August, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 307
AUTHORIZING THE COMMERCIAL INSURANCE AND SURETY CO., INC.,
TO BECOME A SURETY UPON OFFICIAL RECOGNIZANCES, STIPULATIONS,
BONDS AND UNDERTAKINGS.

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative, or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the COMMERCIAL INSURANCE AND SURETY CO., INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the COMMERCIAL INSURANCE AND SURETY CO., INC., to become a surety upon official recognizances stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 18th day of August, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **JUAN C. PAJO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 308

CONSIDERING THE PREVENTIVE SUSPENSION OF MR. JOSE P. TRINIDAD,
UNDERSECRETARY OF FINANCE, AS SUFFICIENT PUNISHMENT FOR GRAVE NEGLECT
IN THE PERFORMANCE OF HIS DUTIES.

This is an administrative case against Mr. Jose P. Trinidad, Undersecretary of Finance, for grave misconduct in office and conduct prejudicial to the best interest of the service in that, in violation of Republic Act No. 35 as amended by Republic Act No. 901, he authorized the release tax free of eighteen shipments of steel sheets and one shipment of industrial machinery to the Great Oriental Manufacturer and Trader, a sole proprietorship owned by one Robert Tan, resulting in damage to the Government in the sum of ₱106,040.22 in duties and taxes that should have been collected on these shipments.

The Department of Finance adopted the policy that importations made directly by a tax-exempt industry and shipments which, though imported originally by a non-tax-exempt importer, were transferred while in transit to a tax-exempt industry were entitled to release tax free, subject to the following conditions: (1) that the goods be among those specifically mentioned in the grant of tax exemption as raw materials or as factory machinery and equipment; (2) that the goods imported be intended for the use of the tax exemption grantee in his tax-exempt industry; and (3) that if the tax-exempt industry was not the original importer, the shipment should have been transferred to him while in transit and before entering Philippine territorial waters. The respondent was entrusted with the implementation of this policy.

On June 22, 1956, Robert Tan, owner of the Great Oriental Manufacturer and Trader, was granted a tax exemption certificate for the operation of a galvanized iron plant at Lucena, Quezon, authorizing him to import tax free “black iron or steel sheets” as raw materials. Subsequently, he filed applications for tax-free release of certain importations. Except for the first shipment, the release of which appears to have been regular, it is significant to note the following facts regarding the remaining shipments:

1. None of the shipments was originally imported by Robert Tan and all the original importers were not tax exempt, so that if no tax-free release authority had been issued by the respondent, these shipments would not have been released by the Bureau of Customs without the payment of the corresponding duties and taxes.

2. Most of the original importers were in one way or another connected with Robert Tan; hence it can be inferred that the procedure followed by him had been deliberately adopted to evade the payment of duties and taxes.

3. The shipments did not consist of black iron or steel sheets, the only materials that Robert Tan was authorized to import tax free, but of galvanized iron, a finished product; and in the case of the shipment of industrial machinery, it did not consist of machinery usable in a galvanized iron factory but of industrial sewing machines for the manufacture of shoes and slippers.

4. Robert Tan never constructed a factory.

5. Robert Tan or the original importers appear to have sold all the shipments to third parties even before they were inspected by the Bureau of Commerce as required by Act No. 3595.

6. If these shipments had been really transferred to Robert Tan, the transfers could not have taken place while the shipments were in transit but after the goods had arrived in port.

If Robert Tan's applications had been carefully screened, his fraudulent scheme would have been discovered because of certain circumstances indicating fraud. Thus, it appears that in no case was the endorsement of the bill of lading to him or his firm dated, and he never once mentioned in his affidavit the date he allegedly acquired the shipment nor the consideration paid for it. Moreover, the code numbers of the Central Bank release certificates showed that the shipments consisted of galvanized iron, and this alone was sufficient to disclose Robert Tan's fraudulent scheme. Likewise, the photostats of the commercial invoices submitted by Robert Tan showed that the goods were branded, thereby indicating that they were not raw materials but finished products. Then, too, the suppression of the consular invoices in all of Robert Tan's shipments over the long period of time that those shipments covered and repeated eighteen times should have aroused suspicion. Again, the description given in the invoices and bills of lading was "plain steel sheets" or simply "steel sheets," whereas the tax exemption certificate granted to Robert Tan authorized the tax-free importation of "black iron or steel sheets" only. Finally, as regards the shipment of industrial machinery, the description was hopelessly vague and yet the Department of Finance processors did not inquire from Robert Tan what kind of machinery was contained in the shipment nor require any supporting record to establish that the shipment was for machinery to be used in a galvanized iron plant.

Notwithstanding the irregularities in the applications and supporting papers filed by Robert Tan, the Department of Finance processors recommended approval of the applications and submitted them to the respondent for action. Without even once going over the documents accompanying the applications and relying solely on the reports of his processors, the respondent approved the applications and signed the corresponding tax-free release authorities. With one exception, his approval appears to have been given as a matter of routine, within twenty-four hours after the papers were submitted to him.

The duties and taxes due on the shipments amounted to ₱106,040.22 and to collect the same, the Government has been constrained to file a suit against Robert Tan.

It appears that the respondent did not require his processors to determine the dates of the alleged transfers of shipments from the original importers or consignees to Robert Tan. Nor did he himself, when the papers were submitted to him, attempt to find out whether the shipments were transferred while in transit or after their arrival in port.

The respondent did not, in even one instance, check the supporting papers accompanying the importation in order to determine whether his processors' recommendation was justifiable. Had he done so, he would have noted certain irregularities, such as the suppression of consular invoices, the undated endorsements and the absence of statements as to the dates of the alleged transfers of shipments to Robert Tan.

In authorizing the tax-free release of the eight shipment, the respondent imposed the condition that the raw materials be stockpiled subject to inspection by examiners of the Department of Finance. Yet he authorized the release of ten subsequent shipments without once ordering such an inspection.

The respondent knew that Robert Tan's factory was not and had never been in operation.

By way of defense, the respondent contends that the tax-free grant extends even to shipments transferred while in port. This contention is untenable since it is plain that once an importation

begins—and it begins upon entry of the shipment into Philippine waters—duties and taxes attach to it. Moreover, his interpretation of the law runs counter to the established policy of the Department of Finance.

The respondent argues that if there have been irregularities in the processing of the shipments, these were committed by his subordinates, for whose mistakes he should not be blamed. This argument is pointless, for the respondent is not being held responsible for the mistakes of his subordinates but for his own grave neglect in not exercising effective supervision over them.

Finally, the respondent contends that the damages, if any, suffered by the Government were not due to his own acts but to the negligence of the Bureau of Customs which released the shipments, not to Robert Tan as his tax-exempt release authority required, but to the original importers or consignees. While perhaps technically the goods were released to someone else, the facts remain that without the tax-free release certificates the goods would not have been released to anyone unless the duties and taxes had been paid. But the evidence shows that they were in fact released to Robert Tan. Even granting, however, that the goods were not released to Robert Tan but to others, this would not in any way affect the respondent's liability in issuing the tax-free release certificates to Robert Tan.

In view of all the foregoing, the respondent is guilty of grave neglect in the performance of his duties, aggravated by the fact that he was aware that the use of tax exemption privileges resulted in a decline in government revenues and that the privilege was capable of being misused to evade the payment of duties and taxes. However, as it appears that the respondent was not impelled by any corrupt or dishonest motive and that he has had more than thirty years of satisfactory service, his preventive suspension is considered sufficient punishment for his offense. Accordingly, he is ordered reinstated in the service.

Done in the City of Manila, this 31st day of August, in the year of Our Lord, nineteen hundred and fifty-nine, and, of the Independence of the Philippines, the fourteenth.

(Sgd.) CARLOS P. GARCIA

By the President:

(Sgd.) ENRIQUE C. QUEMA

Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 309
CONSIDERING MR. LAUREANO S. MARQUEZ RESIGNED FROM OFFICE
AS DIRECTOR OF ANIMAL INDUSTRY.

This is an administrative case against Mr. Laureano S. Marquez, Director of Animal Industry, for dereliction of duty and conduct prejudicial to the best interest of the service in connection with the importation of cattle for breeding purposes. The case was investigated by a committee headed by the Secretary of Justice.

It appears that on April 8, 1957, the Bureau of Animal Industry (BAI), represented by the respondent as director thereof, and the Manila Livestock Dealers Corporation, represented by its manager, Mr. Jose A. Rojas, entered into a contract whereby the corporation undertook to sell to the Bureau 733 head of heifers consisting of 366 Bali and 367 Madura cattle of specified age and physical conditions. As the Indonesian Government did not allow the exportation of Bali cattle and only granted an export permit for 500 head of Madura cattle and 233 head of Ongole cattle, the contract was amended accordingly. Both the contract and its amendment were with the written approval of the Secretary of Agriculture and Natural Resources.

Pursuant to the contract, a letter of credit for ₱249,612.15 covering the total purchase price of the cattle was opened with the Philippine National Bank on May 17, 1957, in favor of the Manila Livestock Dealers Corporation. The letter of credit contained the condition that before it could be withdrawn certain documents enumerated therein should be presented. Some of the stipulations of the contract referred to the examination and selection of the cattle by BAI representatives to be sent to Indonesia for the purpose and the immunization and quarantine of the animals before the final selection and shipment.

Respondent designated a team of two veterinarians headed by Dr. Enrique de Leon and with Dr. Julio Fernandez as member to go to Indonesia to select and accept the breeder cattle. They arrived in Indonesia on May 17, 1957, but it was not until June 16, 1957, that the cattle were ready for their inspection. The selection was slow. By July 25 only 130 head had been selected and conditionally accepted by the two government veterinarians, thus leaving 603 yet to be selected to complete the 733 head called for in the contract. One reason for the delay in the selection was the fact that the two government veterinarians were observing strictly the provisions of the contract.

Meanwhile, upon the representations of the Philippine Charge d'Affaires who complained to respondent of the alleged non-cooperation of Dr. de Leon for insisting on the observance of the provisions of the contract with reference to the period of quarantine, respondent, without the approval of the Secretary of Agriculture and Natural Resources, reduced the quarantine period from three weeks (as stipulated in the contract) to five days. He communicated his decision to Dr. De Leon in a radiogram dated July 29, 1957.

Of the 733 head of cattle called for in the contract only 191 head were selected and accepted by Drs. De Leon and Fernandez. This fact was verbally communicated to the two representatives of the suppliers in Indonesia who pleaded to have also 542 rejected animals loaded on the same boat with the

191 head so that respondent and the Manila Livestock Dealers Corporation could decide what price should be paid for them upon their arrival in Manila. Dr. De Leon consented to the arrangement.

The 733 head of cattle, including the rejected one, were loaded on the s.s. Waiwerang, which, left Indonesia on August 1, 1957, and arrived at the Port of Manila on August 7. On August 6, 1957, the manager of the Manila Livestock Dealers Corporation wrote the respondent requesting amendment of the letter of credit in its favor "to the payment against presentation of bank guaranty and release certificate," which amendment was allegedly necessary because of the delay in the receipt of the documents by its bank and because the Bureau had only 48 hours within which to unload all the cattle, otherwise it would be responsible for payment of demurrage.

The request for amendment of the letter of credit was discussed by respondent with the administrative officer and the budget officer of the Bureau who both advised respondent against amendment of the letter of credit. Nevertheless the respondent consented thereto and wrote to the Philippine National Bank on August 7, 1957, requesting that an amendment be made in the letter of credit opened in favor of the corporation "to the effect that presentation of bank guaranty and release certificate by the beneficiary may be accepted to effect payment due to the alleged delay of the receipt of the pertinent documents by the bank supplier."

The s.s. Waiwerang with 732 head of cattle on board (one died on the high seas) arrived on the Port of Manila on August 8, 1957, in the morning. Dr. De Leon reported to respondent about two o'clock in the afternoon and informed him that only 191 head had been accepted by him. Thereupon respondent instructed his administrative officer to call up the Philippine National Bank to stop payment of the letter of credit, which was followed up by a letter the next morning. However, the bank said that the letter of credit was withdrawn on the afternoon of the previous day, August 7, and that payment had been made on the strength of the letter-amendment of August 7, 1957, stating that "presentation of bank guaranty and release certificate may be accepted to effect payment."

Despite the information that only 191 head of cattle were accepted and that the remaining 541 rejected cattle were also on board the s.s. Waiwerang, respondent allowed the rejected cattle to be unloaded from the boat and brought to the quarantine station in Sisiman, Mariveles, at the expense of the Bureau of Animal Industry.

On August 12, 1957, respondent addressed a letter to the Manila Livestock Dealers Corporation for the refund of the amount of ₱185,054.15 representing the price of the rejected animals which it had collected under the letter of credit in alleged violation of the contract. The corporation rejected the demand on the ground that under the surrounding circumstances the Bureau had accepted the shipment in its entirety.

Food-and-mouth disease broke out among the animals on August 11, three days after their arrival at the Port of Manila and two days after their arrival at Sisiman. The disease was so devastating that by November 10, 1957, 361 of them had died, leaving only 371 alive. Many more died before the disease was put under control. By July 24, 1958, 402 had died. Of the 191 selected only 89 survived, and of the 541 rejected only 241 remain alive.

The amendment to the letter of credit enabled the Manila Livestock Dealers Corporation to collect in full of the entire shipment, including the rejected cattle.

Under the foregoing facts the Secretary of Agriculture and Natural Resources charged the respondent with (1) sending inexperienced government veterinarians to select the cattle in Indonesia; (2) allowing, without the approval of the Secretary of Agriculture and Natural Resources, a reduction of the quarantine period for the animals before shipment from three weeks to five days, thereby rendering it impossible to detect the presence of food-and mouth disease among the animals before

shipment from Indonesia; (3) amending the letter of credit, thereby allowing full payment of the entire shipment of 733 head of cattle even before their arrival in the Philippines, without the approval of the Secretary of Agriculture and Natural Resources, and without prior verification whether the number of animals selected by the government veterinarians was as stipulated in the contract.

1. As regards the first count, respondent explains in effect that the two veterinarians sent by him had adequate technical qualifications. He entirely missed the point, as the charge refers to the assignment of men with no experience in buying breeder cattle abroad. However, I agree with the investigating committee that the first count may be dropped, it appearing that the veterinarians properly implemented the provisions of the contract with reference to age requirements. And had not respondent reduced the quarantine period, they also would have enforced the provisions of the contract thereon.

2. The reduction of the period of quarantine was an amendment to the contract. Since the contract required the approval of the Secretary of Agriculture and Natural Resources, the amendment should have been with similar approval. Respondent effected the amendment without such approval. His claim that the Secretary of Agriculture and Natural Resources was then out of town on official business and that the matter involved was technical, anyway, is obviously untenable.

Foot-and-mouth disease broke out among the cattle on August 11, 1957, ten days after they left Indonesia on August 1, and three days after their arrival at the Port of Manila on August 8. Had the period of quarantine stipulated in the contract been observed and if the animals were infected in Indonesia before they were loaded on the boat, the disease would have broken out and would have been discovered before shipment because the animals would have been still in Indonesia on August 11, 1957. The reduction of the quarantine period from three weeks to five days prevented timely discovery.

Respondent's belief that the cattle might have been infected while on board by virus of foot-and-mouth disease that survived disinfection after previous shipments appears untenable first, because his assumption of the presence on deck of crevices sufficient to protect the virus against disinfectant has no basis in the record; and secondly, the 191 head of cattle which were accepted were segregated from those rejected, and to accept respondent's theory is to admit the widespread presence of the virus on board at the time the 733 head of cattle were loaded. If there was really hidden virus in crevices on deck—although there is no proof of prior shipments' being infected with foot-and-mouth disease—because of the disinfection, the virus that survived it could have been found only in isolated places. The fact that both the accepted and the rejected cattle were later found to be infected shows that infection was widespread among them and consequently points to Indonesia as the source of the infection.

3. Contrary to respondent's contention, the amendment to the letter of credit was an amendment to and not a mere implementation of the contract, as the amendment did away with the requirement for the presentation of the documents specified in the contract and the letter of credit before the letter of credit could be withdrawn and the stipulation in the contract that full payment could be effected only "upon safe arrival of every shipment in Manila." The contract was entered into with the approval of the Secretary of Agriculture and Natural Resources; hence the amendment also required similar approval.

There is no merit in respondent's claim that the amendment to the domestic letter of credit was solely to facilitate unloading of the cattle. Circumstances abound indicating that when he authorized the amendment he knew that the same was to allow the Manila Livestock Dealers Corporation to collect the full value of the letter of credit. The amendment was requested precisely to facilitate payment which would be delayed without said amendment. In fact in his letter to the bank he requested that the domestic letter of credit be amended "to the effect that presentation of bank guaranty and release

certificate by the beneficiary may be accepted to effect payment.” His immediate reaction was one of alarm when he was informed that only 191 out of the 733 head of cattle stipulated in the contract were accepted by Dr. De Leon, which betrays his pretension that he authorized amendment of the letter of credit merely to facilitate unloading. As will be recalled, he immediately instructed his administrative officer to ask the Philippine National Bank to stop payment, which he followed with a formal letter of the same tenor.

Similarly devoid of merit is his assumption that 733 head of cattle had been selected when he authorized amendment of the letter of credit. Drs. De Leon and Fernandez arrived in Indonesia on May 17, 1957, to select 733 head of cattle. By July 25, 1957, after more than two months, they had been able to select 130 head only, according to the certificates enclosed in Dr. De Leon’s letter of that date which respondent received on August 1, 1957. If in two months the government veterinarians could select 130 only, respondent should have foreseen that within the short period of six days between the date of the letter and the departure of the boat on August 1, 1957, the odds were overwhelmingly against the possibility of the selection of the remaining 603 head to complete the 733 head stipulated in the contract.

4. Respondent claims that he could not possibly have ordered the suspension of the unloading of the animals on August 8, 1957, as he did not know the whole circumstances surrounding that shipment and that the best he could do was to allow the unloading of the animals for quarantine. But he knew that except 191 head selected by the government veterinarians the rest of the shipment had been rejected. This alone should have been sufficient reason for him to take steps to prevent the unloading of the rejected animals. Instead he wrote to the surveyor of the Port of Manila that same afternoon of August 8 for permission to unload the cattle. If he needed time to acquire full knowledge of the whole circumstances surrounding that shipment before making a decision, he could have secured that knowledge from Dr. De Leon. Considering that he was informed of the rejection of the entire shipment except 191 head at two o’clock in the afternoon and that it took many hours to unload the 541 head of rejected cattle, he could have prevented the unloading of the rejected cattle.

If it is true that he allowed the unloading of the rejected cattle for quarantine purposes only, it is strange that in his request for permission to unload the cattle he did not say so although he took pains to mention such details as the guard’s overtime pay and others less important than the disposition of the rejected animals. Neither did he inform the Manila Livestock Dealers Corporation of the arrival of the rejected cattle and/or why they were unloaded despite their rejection. This omission gave the corporation a colorable ground for rejecting his subsequent demand for reimbursement of the overpayment and for contending that he had accepted the entire shipment of 732 head.

Respondent pleads good faith as a defense. Granting that he so acted, although his conduct with reference to the transaction is not absolutely free from suspicion, his good faith alone is obviously not sufficient to justify his acts and his negligence which have caused the Government enormous losses. Neither can he excuse himself by diverting attention to his subordinates’ mistakes or contributory negligence. For maintenance alone of the rejected animals the Government had spent ₱95,025.60 up to July 24, 1958. Including the price paid for them, the total loss to the Government amounts to more than ₱280,000 as of said date. It is feared that the loss might run up to ₱400,000 by the time the question as to what to do with the survivors is finally settled.

In the light of the above, I find the respondent guilty of incompetence, inefficiency, gross negligence amounting to dereliction of duty, and conduct prejudicial to the best interest of the service.

WHEREFORE, Mr. Laureano S. Marquez is hereby considered resigned from office as Director of Animal Industry, effective as of the date of his preventive suspension.

Done in the City of Manila, this 31st day of August, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **ENRIQUE C. QUEMA**
Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 310
CONSIDERING MR. GAUDENCIO T. BOCOBO RESIGNED FROM OFFICE
AS ASSISTANT FISCAL OF MANILA

This is an administrative case against Assistant Fiscal Gaudencio T. Bocobo of Manila for alleged guerrilla racket activities and bribery which was investigated by a special investigator of the Department of Justice. The bribery charge having been withdrawn by the complaint, only the other charge will be taken up here.

It appears that on June 16, 1953, Colonel Eugenia Castillo, overall commander of the 21st Infantry, ECLGA, submitted a guerrilla roster to Colonel Lorenzo Ador Dionisio, respondent's father-in-law, who was living with the fiscal. On December 10, 1953, and subsequent dates, Colonel Castillo submitted written requests for procurement allocations on behalf of different persons to Colonel Ador Dionisio, alleged chairman of the processing team. Similar applications were also submitted by Gaudencio Ventura and nine others.

From December 10, 1953, to January 10, 1954, Mrs. Catalina Ador Dionisio-Bocobo, Colonel Ador Dionisio's daughter and respondent's wife, received from guerrilla applicants sums of money totaling ₱1,430 as deposit to be applied in the payment of fees for the prosecution of claims for guerrilla recognition and the grant of the requested procurement allocations. Said payment was computed on the basis of ₱0.05 for every name included in the guerrilla roster and ₱3 for every ₱1,000 granted in the requested allocations. Each applicant executed a power of attorney in favor of the Rizal Investment Corporation, empowering it to collect whatever amount was due the applicant from the United States Government. At the same time each applicant and the Corporation entered into an agreement for it to receive a contingent fee of 50% of whatever sum the applicant would receive from the United States Government. The applicants were assured that the money to be paid by said government would be deposited with the Bataan Trust Bank which would later issue bank booklets in their names containing their corresponding money allocations.

When months passed without the claimants' receiving the promised allocations from the United States Government or its agency, they got worried. They repeatedly repaired to respondent's house at 381 Dimasalang, Manila, and made inquiries from Colonel Ador Dionisio and Mrs. Bocobo who assured them that their money from the Federal Government was forthcoming.

This was a racket pure and simple to fraudulently obtain money from gullible persons on the misrepresentation that their guerrilla claims, meritorious or otherwise, would be favorably considered by the American Government. The filing of guerrilla recognition and procurement claims with the United States Government was closed on December 31, 1949. However, the applicants were induced to file their applications for recognition and allocation with Colonel Ador Dionisio after December 31, 1949. Although the time for filing procurement claims was later extended on June 28, 1954, that fact would not erase the apparent deceit committed as the claims in question had been filed prior to that date.

The Rizal Investment Corporation which supposedly transmitted to, and prosecuted in, the United States Court of Claims the applications for recognition and allocation, was not empowered

to act as such by its by-laws, and the Bataan Trust Bank, the supposed depositary of the money to be paid by the American Government, never acquired a legal existence. The contingent fee of 50% to the Rizal Investment Corporation was contrary to morals and public policy, and the collection of ₱0.05 for every name listed in the submitted guerrilla roster and ₱3 for every ₱1,000 granted in the requested allocations is not sanctioned by law.

Mrs. Catalina Bocobo at first tried to deny having received any money from the applicants, either for her personal account or as depositary, but when confronted with her signed receipts she admitted having received the money as depositary which she allegedly transmitted to her father, Colonel Lorenzo Ador Dionisio. The above claims filed by the applicants with the Rizal Investment Corporation through Colonel Ador Dionisio do not appear in the certified list of all Philippine claims filed with the United States Court of Claims.

We now come to respondent's participation in the fraudulent scheme. On several occasions he was seen by government undercover men intimately talking with Mariano Flores in the office of the Rizal Investment Corporation at Jalandoni Building, of which corporation Flores is the president. He was also seen talking to Rustico Zapata, Flores' associate, at the Calvo Building, proposed site of the Bataan Trust Bank. Flores introduced respondent as the judge advocate general at a party held in Mandaluyong, Rizal, wherein discussions revolved around guerrilla claims. Respondent went to the headquarters of the 21st Infantry Regiment, ECLGA, and conferred with Colonel Eugenio Castillo, the overall commander. He got the guerrilla roster on the representation that it would be submitted to the United States Army authorities for recognition purposes. After the applicants had talked with Flores of the Rizal Investment Corporation they brought their papers to the house of Fiscal Bocobo and presented them to Colonel Ador Dionisio and Mrs. Bocobo, sometimes in respondent's presence. The applicants paid their fees to respondent's wife at her house in the presence of Fiscal Bocobo at times. On one occasion he persuaded applicants to pay the required fees.

The foregoing shows not only knowledge on respondent's part of the existence of the fraudulent scheme but also his participation therein. Sworn to prosecute swindlers and other law violators, he allowed the use of his home for fleecing ignorant claimants in what appears to be a big-scale fraud.

WHEREFORE, Mr. Gaudencio T. Bocobo is hereby considered resigned from office as assistant fiscal of Manila, effective as of August 7, 1954, the date of his suspension, with prejudice to reinstatement in the government service. Let the records of the case be referred to the office of the City Fiscal of Manila for the filing of such criminal action against the persons concerned as may be warranted in the premises.

Done in the City of Manila, this 3rd day of September, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the fourteenth.

(Sgd.) CARLOS P. GARCIA

By the President:

(Sgd.) ENRIQUE C. QUEMA

Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 311
AUTHORIZING THE CCC INSURANCE CORPORATION TO BECOME A SURETY UPON
OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the CCC INSURANCE CORPORATION is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the CCC INSURANCE CORPORATION to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 6th day of October, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **ENRIQUE C. QUEMA**
Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 312
PROVIDING FOR THE CELEBRATION OF FAMILY WEEK AS DECLARED
BY PROCLAMATION NO. 147, DATED MARCH 30, 1949.

WHEREAS, in recognition of the significance and importance of the family as the pillar of the structure of our democratic way of life, the first week of December of every year was declared Family Week under Proclamation No. 147, dated March 30, 1949;

WHEREAS, the celebration of Family Week serves to highlight the continuing attention given to family life by the community through various entities of the government and private organizations; and

WHEREAS, it is necessary that steps be taken for the effective and meaningful celebration of Family Week with these entities and organizations working together;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

1. The Family Week shall be celebrated under the auspices of the Department of Education with the cooperation of the Family Life Workshop of the Philippines.

2. A national committee is hereby created which shall be responsible for the planning and execution of the program of celebration. The committee shall be composed of the following:

The Secretary of Education.....	Chairman
The Chairman of the Family Life Workshop of the Philippines	Member
Representatives of the Department of Health, Department of Agriculture and Natural Resources, Department of National Defense, Social Welfare Administration, Local Governments and Civil Affairs Office, Office of the President	"
Heads of various educational, professional, cultural and civic organizations to be invited by the Chairman of the National Committee	"

3. The celebration shall give emphasis to the holding of conferences, seminars, or forums on various aspects of Filipino family life, and continuous evaluation, planning and implementation of program for the welfare of the Filipino family.

Done in the City of Manila, this 6th day of October, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **ENRIQUE C. QUEMA**
Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 313

CREATING A COMMITTEE TO INVESTIGATE THE CHARGES AIRED BY THE HONORABLE DIOSDADO MACAPAGAL, VICE-PRESIDENT OF THE PHILIPPINES, IN HIS LETTER OF DECEMBER 10, 1959, TO THE PRESIDENT, CONCERNING THE TRIP OF THE HONORABLE ALEJO S. SANTOS, SECRETARY OF NATIONAL DEFENSE, TO BRITISH NORTH BORNEO ABOARD THE RPS PANGASINAN.

A committee is hereby created to investigate the charges aired by the Honorable Diosdado Macapagal, Vice-President of the Philippines, in his letter to the President dated December 10, 1959, concerning the trip of the Honorable Alejo S. Santos, Secretary of National Defense, to British North Borneo aboard the RPS Pangasinan. The committee shall be composed of the following:

Hon. Alejo Mabanag, Secretary of Justice	Chairman
Hon. Felixberto M. Serrano, Secretary of Foreign Affairs.....	Member
Hon. Buenaventura Ocampo, Chairman, Presidential Committee on Administration Performance Efficiency	"

The committee is hereby granted all the powers of an investigation committee under Sections 71 and 580 of the Revised Administrative Code, including the power to summon witnesses, administer oaths, and take testimony or evidence relevant to the investigation. It is also authorized to call upon any department, bureau, office, agency or instrumentality of the Government for such assistance or information as it may need in the investigation, and for this purpose, it shall have access to, and the right to examine, any books, documents, papers or records thereof.

The committee shall submit its report and recommendations within the shortest time possible.

Done in the City of Manila, this 18th day of December, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **ENRIQUE C. QUEMA**
Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 314
AUTHORIZING THE FIRST QUEZON CITY INSURANCE CO., INC. TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizances, stipulation, bond, or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no heads of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the FIRST QUEZON CITY INSURANCE CO., INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the FIRST QUEZON CITY INSURANCE CO., INC., to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall, not at any time exceed its admitted assets.

Done in the City of Manila, this 22nd day of December, in the year of Our Lord, nineteen hundred and fifty-nine, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **ENRIQUE C. QUEMA**
Assistant Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1959). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

RESIDENCE OF THE PRESIDENT OF THE PHILIPPINES

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 315

FURTHER AMENDING ADMINISTRATIVE ORDER NO. 216 DATED SEPTEMBER 29, 1953,
ENTITLED "CREATING A COMMITTEE TO COORDINATE THE PLANNING OF THE
MARIKINA RIVER MULTIPLE PURPOSE DEVELOPMENT FOR ELECTRIC POWER
GENERATION, FLOOD CONTROL, IRRIGATION AND WATER SUPPLY."

Pursuant to the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby further amend Administrative Order No. 216 dated September 29, 1953, as amended by Administrative Order No. 199 dated May 24, 1956, and Administrative Order No. 239 dated April 12, 1957, by including a representative of the Reparations Commission as an additional member of the Coordinating Committee therein created.

Done in the City of Manila, this 5th day of January, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

(Sgd.) CARLOS P. GARCIA

By the President:

ENRIQUE C. QUEMA

Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 316
REMOVING MR. VICENTE FONTANOSA FROM OFFICE AS JUSTICE
OF THE PEACE OF PIKIT, COTABATO.

Mr. Vicente Fontanosa, justice of the peace of Pikit, Cotabato, is charged in two administrative complaints filed by Datu Utdog Matalam and Mayor Doroteo Palencia of the same municipality with (1) electioneering, (2) persecution of political enemy, (3) abuse of authority, (4) falsification of public records, (5) abandonment of office or failure to keep regular office hours and (6) fixing excessive bond. The charges were investigated by the District Judge who found the following:

On January 22, 1955, Potenciano Salcedo and other laborers approached the respondent to help them collect their wages in connection with the construction of a grandstand undertaken by a civic organization which could not pay the laborers promptly because of poor collections. Mayor Doroteo Palencia was the honorary chairman of the board of directors of the organization. However, the respondent prepared a criminal complaint for swindling with supporting affidavits against the mayor and issued a warrant for his arrest. Upon learning that the papers prepared by the respondent referred to a criminal complaint, Salcedo and his companions approached the respondent in the afternoon of January 26, 1955, for the withdrawal of the criminal complaint as it was not their intention to file one against the mayor but only to ask respondent's help in the collection of their wages. The respondent informed them that a formal motion of that effect was needed and told them to see him in his office the next morning. Salcedo waited for respondent in his office up to 12 noon the next day, January 27, 1955, but he did not show up.

About eight o'clock in the morning of January 27, 1955, Datu Utdog Matalam, at the request of Mayor Palencia's wife, went to the office of the justice of the peace to post the necessary bond for the temporary release of the accused. Datu Utdog Matalam waited up to noontime but respondent failed to appear. The same thing happened when the datu again went the next day. In view thereof, he wired the District Judge and the Provincial Fiscal reporting his inability to file the bond for the mayor's provisional release due to respondent's absence from office.

Respondent denied being absent on January 27, 1955, as he prepared certain papers regarding transfer of homestead rights for Abdul Akmad and three others whom he had told to go to the municipal building where he would wait for them, and he even saw in his office several persons who asked him for advice. In support of his claim that he was not absent on said day he presented Exhibit 2, which is B. I. R. Form No. 2302, Receipt No. 327, justice of the peace. However, this Exhibit appears to have been tampered with in several places. For instance, the number "27" on the date of the receipt, "Jan. 27, 1955," was superimposed on another figure. This figure "27" must have been superimposed on another figure after January 31, 1955, as the official receipt No. 1076710 (Exh. 3) which covers the amount stated in exhibit 2 is dated January 31. Moreover the alterations were written with different pens and ink. Respondent's claim that he was in his office on January 27, 1955, was also belied by one of the Moros who had asked him to prepare the document of transfer of rights. Gubal Sadang,

the Moro alluded to, stated that the document was made in respondent's house about twelve noon of January 27, 1955.

Although it is true that respondent was not away from Pikit, the circumstances point to the fact that he purposely did not go to his office in order to avoid the withdrawal of the complaint and the acceptance of the bond for the release of Mayor Palencia who defeated respondent's father in the 1951 election for mayor of Pikit.

The Secretary of Justice agrees with the findings of the District Judge and concludes that the respondent (1) used his official position to wreak vengeance on his political enemy, (2) abused his authority, (3) tampered with his official records to cover up the irregularities he had committed and (4) failed to keep regular office hours. In view of the seriousness of the offenses committed, he recommends that the respondent be dismissed from the service or at least required to resign.

After a careful review of the evidence of record, I concur in the findings of the Investigating Judge and in the conclusions of the Secretary of Justice. Enough evidence having been brought out to warrant the imposition of the extreme penalty in administrative cases, I agree with the investigator that there is no more need of passing upon the merits of the other charges against the respondent.

WHEREOF, and as recommended by the Secretary of Justice, Mr. Vicente Fontanosa is hereby removed from office as justice of the peace of Pikit, Cotabato, effective upon receipt of a copy this order.

Done in the City of Manila, this 28th day of January, Nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) NATALIO P. CASTILLO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 317
DESIGNATING THE NATIONAL CIVIL DEFENSE ADMINISTRATION
TO TAKE CHARGE OF THE OBSERVANCE OF FIRE PREVENTION WEEK.

WHEREAS, Proclamation No. 248, dated January 20, 1938, designates the first week of March of every year as Fire Prevention Week; and

WHEREAS, the objectives of said proclamation may be achieved more effectively if the celebration of Fire Prevention Week is entrusted to a proper entity of the government;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, do hereby designate the National Civil Defense Administration to take charge of, and coordinate, all activities in the annual observance of Fire Prevention Week. Public and private schools, public and private industrial and commercial establishments, government and private offices, and labor entities are hereby enjoined to extend to the National Civil Defense Administration their cooperation in the appropriate observance of Fire Prevention Week all over the Philippines.

Done in the City of Manila, this 12th day of February, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 318
CREATING THE PRESIDENTIAL PILGRIMAGE COMMITTEE

WHEREAS, there is an annual Filipino Muslim pilgrimage to the Holy Land;

WHEREAS, it is advisable that the annual pilgrimage be placed under the supervision of an appropriate entity;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby create the Presidential Pilgrimage Committee composed of the following:

The Secretary of Foreign Affairs	Chairman
The Secretary of Health	Member
The Governor of the Central Bank	Member
The Commissioner of Customs.....	Member
The Commissioner on National Integration	Member and Secretary

The committee shall supervise the annual Filipino Muslim pilgrimage to the Holy Land.

Done in the City of Manila, this 16th day of February, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) NATALIO P. CASTILLO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 319

CONSIDERING MR. CONSTANCIO TRIAS RESIGNED FROM OFFICE AS CHAIRMAN,
BOARD OF SPECIAL INQUIRY, BUREAU OF IMMIGRATION.

This is an administrative case instituted by the First Deputy Commissioner of Immigration against Mr. Constancio Trias, chairman of a Board of Special Inquiry in the Bureau of Immigration, for alleged bribery. When required to answer the charge and to state whether he desired a formal investigation, respondent, through counsel, claimed that the accusation was false and malicious and that “he will leave the whole matter dependent upon the outcome of the criminal case if any is filed in court.” In view of the administrative charge against him, respondent was suspended effective April 25, 1954, pending investigation and disposition thereof.

On April 29, 1954, Criminal Case No. 26763 was filed against respondent in the Court of First Instance of Manila for bribery, of which he was acquitted on reasonable doubt engendered by the non-presentation of a certain attorney and an MIS agent considered as vital witnesses and the alleged serious contradictions in the testimony of the prosecution witnesses. Following his acquittal, respondent requested his reinstatement and payment of salary during his suspension. The petition was referred to the Secretary of Justice who asked the Commissioner of Immigration for comment on whether, notwithstanding respondent’s acquittal, there was in the evidence in the criminal case anything that would induce grave suspicion as to his integrity and recommendation on whether administrative investigation should be conducted. It may be stated that action on the administrative case was held in abeyance pending termination of the criminal case filed against respondent. The Commissioner of Immigration was of the view that respondent was not guilty of the charge but suggested that he be made to explain by what authority he attempted to conduct an inquiry into the alleged responsibility of the uncle of the Chinese boy who is the root cause of this case.

Apparently not satisfied with the findings and recommendation of the Commissioner of Immigration, the Secretary of Justice directed a formal inquiry to be conducted by the chief of the Prosecution Division of his department. The investigation was forthwith conducted, and the proceedings in the criminal case were incorporated therein by reference and additional witnesses, including the attorney and the MIS agent who were not presented in court, were called to testify in the presence of the respondent and counsel who cross-examined the witnesses against the former.

The Investigator found that “(1) respondent did demand ₱500 as consideration for his rendering a favorable resolution of the immigration case of the Chinese boy, Jose Ong, and (2) respondent did receive said ₱500,” and recommended that he be separated from the service.

After a careful consideration of the records, I find the following facts duly established:

Deportation proceedings were instituted against Jose Ong, an overstaying Chinese youngster, before a Board of Special Inquiry of which respondent was the chairman. In order that action would be favorable to the boy, respondent informed the latter’s counsel that he should be given ₱1,000, later reduced to ₱500. Agreeing to the proposition, Jose Uy, with whom the lad was staying in Manila,

arranged to meet the respondent at the Palo Alto Restaurant in Ermita, Manila. Uy was provided with ₱500 in photographed bills furnished by the First Deputy Commissioner of Immigration to whom the nefarious proposal had been previously reported. Agents of the National Bureau of Investigation (NBI) went to the restaurant and after the money was delivered, respondent was placed under arrest and frisked and the five photographed bills of ₱100 each were found in his possession. He was thereupon brought to the NBI where he refused to give a statement.

In his defense, respondent denied demanding bribe money, much less receiving it. He alleged that he had merely required the presence of the boy's uncle as guarantor which Jose Uy had repeatedly asked to be waived and that he had gone to the Palo Alto Restaurant for coffee and was followed there by Jose Uy without his knowledge. The defense intimated that the bribe money could have been "planted" by Jose Uy who was sore against respondent.

I am not impressed by respondent's defense. I am unable to see why agents of the National Bureau of Investigation would have testified falsely against respondent, much less be a willing tool for a private person's desire for revenge. No motive was shown for them to incriminate respondent. His persistent call for the boy's uncle, although the latter's presence would not admittedly affect one way or another the deportability of the boy, and his going to the Palo Alto Restaurant and occupying a private booth therein strongly militate against his protestations of innocence.

Respondent's claim that he is entitled to reinstatement and payment of salary during the period of his suspension in view of his acquittal in the criminal case is not well taken. He was suspended from office not because of his criminal case but because of his pending administrative case which is different and distinct from a criminal case. The purpose of the former is to protect the public service while that of the latter is to punish the offender. Moreover, the degree of proof required to convict in criminal cases is more strict—nothing less than proof beyond reasonable doubt. In administrative cases, moral conviction is sufficient.

The only case of seeming persuasive force cited by respondent's counsel is that of *Tabora v. Montelibano et al.* (G.R. No. L-8667, prom. April 13, 1956). But it will be noted that the employee involved there was not able to defend himself in the administrative investigation for want of notice and therefore was not afforded due process.

Equally unfounded is respondent's claim that there was no formal investigation of his case. One appears to have been conducted by then Chief Prosecutor Norberto J. Quisumbing where it was agreed that the evidence adduced at the trial of the criminal case for bribery would be considered reproduced in the administrative investigation and additional testimonial evidence of two witnesses who did not testify in the trial of the criminal case was presented. The reproduced evidence and the additional testimonial evidence were the bases for the investigator's findings. After the investigator had submitted his findings and recommendation to the Secretary of Justice, respondent asked that he be allowed to submit additional evidence, which was granted. Mr. Quisumbing having in the meantime resigned, the Secretary designated Mr. Baldomero M. Villamor, new Chief Prosecuting Attorney, to continue the proceedings. Instead of presenting additional evidence, respondent submitted three memoranda to the new investigator who concurred in the findings of his predecessor.

The Secretary of Justice, considering respondent's long public service and this being his first administrative case, recommends that respondent be required to resign effective as of April 25, 1954, the date of his preventive suspension, with right to retirement benefits.

Wherefore, Mr. Constancio Trias is hereby considered resigned from the service as chairman, Board of Special Inquiry, Bureau of Immigration, effective as of April 25, 1954, without prejudice to receiving retirement benefits under the law.

Done in the City of Manila, this 23rd day of February, 1960 in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 320
REQUIRING MR. APOLONIO S. PADUA TO RESIGN AS JUSTICE OF THE PEACE
OF SAN MATEO, ISABELA

This is an administrative case against Mr. Apolonio S. Padua, justice of the peace of San Mateo, Isabela, arising from a complaint of Celestino Mercurio. The complainant alleged that he and his brother Arcadio were tenants of Gregorio Mariano; that he refused to give the owner any palay corresponding to the portion of the land which had not been planted; that because of this refusal the landowner took away all the palay which he had harvested and also accused him and his brother of estafa before respondent's court; that although they were able to put up bail, their bondsmen later withdrew, as a result of which they were put in jail and detained for eight days; that they were not given food while in jail; and that to obtain their release they were forced to agree to an unjust settlement of the case as proposed by the landowner.

Attached to the complaint were a copy of complainant's affidavit taken by the chief of police of San Mateo, Isabela, and sworn to before the respondent, a copy of the settlement signed by the complainant, and a copy of respondent's order dismissing the criminal case for estafa at the instance of Gregorio Mariano. The affidavit, which was signed on December 1, 1953, and sworn to on December 9, 1953, states that on December 1, 1953, the affiant complained to the chief of police that on November 27, 1953, he discovered that Gregorio Mariano had taken away from 18 to 19 cavans of affiant's palay and destroyed his house. According to the settlement, dated May 14, 1954, which was signed by Gregorio Mariano, the herein complainant and Arcadio Mercurio, the tenants agreed to convey to the landlord their share in the harvest of 21 cavans of palay in payment of seedling and expenses of threshing and of their debt of ₱60 and the landlord in turn agreed to withdraw his claim against the tenants.

The respondent denied knowledge of said settlement and maintained that the proceedings in the criminal case filed against the herein complainant were in accordance with law. During the investigation conducted by the District Judge, the complainant and his brother Arcadio testified in support of the complaint, while the respondent, Atty. Francisco S. Villarta, and the chief of police testified for the defense. The complainant's affidavit and the settlement were marked Exhibits A and B, respectively.

The complainant testified that he was able to till only part of Gregorio Mariano's land because Mariano took a portion of his seedling; that he did not take the palay of Mariano, but it was the latter who appropriated his (complainant's) palay and destroyed his house; that he and his brother were not given food during their confinement in jail; that the respondent went to the jail three times to persuade them to enter into an amicable settlement; that he and his brother signed it because they were starving; and that he was greatly prejudiced by the settlement because the amount of his harvest was reduced and he was made to appear as indebted when he was not and to give a share of the supposed harvest on the owner's land which had not been cultivated.

Arcadio Mercurio declared that he was arrested and put in jail although he was not a tenant of Gregorio Mariano; that he suffered hunger while in jail; that he and his brother were released when his

brother was called by the respondent; that his brother agreed to the amicable settlement because they were starving; and that the respondent told him to sign the settlement.

The record of Criminal Case No. 176 of respondent's court for estafa against Celestino and Arcadio Mercurio shows that the complaint of Gregorio Mariano was subscribed and sworn to before the respondent on December 11, 1953; that on the same day the respondent issued a Warrant for the arrest of the accused; that the accused were committed by the respondent to custody on December 16, 1953, but were released on bail that same day; that on January 28, 1954, counsel for the accused, citing *U. S. vs. Clarin*, 17 Phil. 84, filed a motion to quash the complaint on the ground that the facts alleged did not constitute an offense and that the obligation of the accused as tenants of the complainant was purely civil; that on February 17, 1954, the respondent denied the motion, holding inapplicable the authority cited therein; that on May 6, 1954, respondent recommitted the accused to custody upon the withdrawal of one of their bondsmen and on the next day set the case for hearing on May 14, 1954; that on the latter date Gregorio Mariano moved for the provisional dismissal of the complaint on the ground that he did not have sufficient evidence to prove it; and that respondent granted the motion and ordered the release of the accused from custody.

An examination of the original and amended complaints filed against the Mercurios shows that the act complained of was an alleged violation of the tenancy contract by the accused tenants. It being alleged that the accused themselves had planted the palay on the land of Gregorio Mariano, they could not have been guilty of any criminal offense under Article 315, paragraph 1(b), of the Revised Penal Code, for failure to deliver the crop. At most, their liability was civil in character, as asserted in their motion to quash. The District Judge, therefore, correctly found that the respondent issued a warrant of arrest in said criminal case although there was no ground to believe that the accused had committed a criminal act.

In addition, the respondent admitted that he personally examined Celestino Mercurio when the latter subscribed and swore to the affidavit Exhibit A and that he advised the affiant to take his case to the Tenancy Commission and the Department of Labor. He also admitted that he doubted the sufficiency of the criminal complaint filed by Gregorio Mariano, although he explained that he accepted it on the assurance of Mariano that he would present other witnesses. The respondent nevertheless admitted that he did not wait for the presentation of additional witnesses before issuing the warrant of arrest because of Mariano's alleged assurance that the witnesses would be presented at the trial.

It thus appears from respondent's own admission that when he issued the warrant for the arrest of the Mercurio brothers he not only did not summon the witnesses as required by Sections 5 and 6 of Rule 108 of the Rules of Court but actually doubted that the offense complained of had been committed or that the defendants had committed it. This lends supports to the charge that the criminal complaint against the Mercurio brothers was a "frame-up" designed to force them to sign the settlement. Besides, the proven fact that the settlement was executed in respondent's office and the denial of this truth by the respondent tend to establish that the transaction was unjust and that he was aware of it.

The District Judge recommended that the respondent be merely warned that in the future "he should carefully examine criminal complaints and supporting affidavits presented to him to determine whether or not there is a probable cause to believe that an offense has been committed and that the accused are probably guilty thereof before issuing the warrant of arrest to avoid unjustified accusations and the consequent inconvenience and humiliation of the accused." However, I agree with the Secretary of Justice that the acts committed by the respondent are so serious and the consequences thereof so grievous as to call for more than warning or suspension.

Wherefore, and upon the recommendation of the Secretary of Justice, Mr. Apolonio S. Padua is hereby required to resign from office as justice of the peace of San Mateo, Isabela, effective upon receipt of a copy of this order.

Done in the City of Manila, this 26th day of February, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **NATALIO P. CASTILLO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 321
CONSIDERING MR. CARLOS GOCO RESIGNED FROM OFFICE
AS ASSISTANT PROVINCIAL FISCAL OF RIZAL.

This is an administrative case against Mr. Carlos Goco, assistant provincial fiscal of Rizal, for alleged breach of trust and conduct unbecoming a public officer. The charges were investigated by the Department of Justice and the Secretary of Justice recommends that respondent be required to resign.

It appears that sometime in 1949 the tenants of the Hacienda de Tulay in Malabon, Rizal, agreed to buy the land from its owner, the Roman Catholic Archbishop of Manila, in order to avoid the payment of high rentals being required of them. A committee composed of tenants was formed to negotiate for the purchase of the property. Respondent, though not a tenant, was included therein obviously because of his familiarity with the law. He accepted the trust and caused the collection of contributions from the tenants for his expenses which he fixed at ₱.20 a square meter of the lots occupied by them. He also required them to make a cash deposit equivalent to 30% of the estimated value of the lots to cover the anticipated earnest money that might be required by the Archbishop.

Subsequently, the full responsibility of dealing with the Archbishop on behalf of the tenants fell upon respondent who later on entrusted the active negotiations to three brokers and another lawyer, Mr. Augusto Francisco, who carried out the same in the name of Leonila Siochi, wife of respondent. However, respondent continued to take part in the protracted negotiations which culminated in the sale of the estate on January 19, 1954, to his wife for a total sum of ₱149,000 of which ₱19,000 represented one-half of the back rentals of delinquent tenants.

Thereafter, respondent's wife conveyed the property for one peso (₱1) to A. M. Raymundo & Co., a partnership engaged in real estate business, which he helped organize and of which he appeared to be the legal counsel. This partnership undertook the sale of the lots of the hacienda to tenants and outsiders indiscriminately, no preference having been given to the tenants despite the fact that some had given advance money for the purchase of the hacienda, except that the money they advanced would be credited to the purchase price of their lots or returned to them if they failed to exercise the option within five days from notification. The purchase price per square meter was a little over ₱5 but the tenants are being charged ₱10 per square meter for the poorest lots and ₱25 for the best ones. The tenants, who claimed to have been kept in the dark by the respondent during the negotiations, believed that they had been exploited. They complained against the respondent and even went to court to file civil actions against him, his wife, and the partnership.

In his defense respondent contends that upon turning over the negotiations to Atty. Francisco he ceased to have anything to do with the transaction; that he never profited a single centavo in the deal nor received anything for his services; that of the total contribution of ₱10,000, the sum of ₱8,000 was paid to the brokers and the balance of ₱2,000 included in the deposit made with the Archbishop; and that he could not be dealt with administratively for acts not connected with the discharge of his official duties.

I am not impressed by respondent's claims. The record shows that he took active part in the negotiations even after he had employed said brokers and lawyer and that the sale was finally

consummated in the name of his wife who transferred the property to A. M. Raymundo & Co., of which he was a partner and legal counsel. His claim that he could not be punished administratively for acts not having anything to do with the discharge of his official duties is a very extravagant claim in the face of facts showing his underhanded dealings and pecuniary interest in the transaction. At any rate, respondent engaged in outside business and professional activities without the permission of his superiors, in violation of Executive Order No. 103, s. 1913, and Rule XIII, Section 5, of the Civil Service Rules.

The violation by itself might not be apparently serious but what make it condemnable are the consequences that have arisen therefrom. By his actuations he exposed, to say the least, hundreds of people to apparent exploitation by unscrupulous parties, forcing them to complain against him administratively and judicially for redress.

Without categorically passing on the charges of bad faith, betrayal of trust, fraud, and the like, which are being ventilated in court, I agree with the Secretary of Justice that it has been sufficiently established that respondent acted as counsel for the parties, including his wife who was favored by the deal, and devoted considerable time in the negotiation and consummation thereof without the permission of his superiors as required by existing regulations.

Wherefore, Mr. Carlos Goco is hereby considered resigned as assistant fiscal of Rizal upon receipt of a copy of this order.

Done in the City of Manila, this 12th day of March, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 322
REMOVING MR. EDUARDO A. ABESAMIS FROM OFFICE AS JUSTICE OF THE PEACE
OF ECHAGUE AND ANGADANAN, ISABELA.

This is an administrative case against Mr. Eduardo A. Abesamis, justice of the peace of Echague and Angadanan, Isabela, which is an offshoot of Criminal Code No. 878 of the Court of First Instance of Isabela against him for swindling through falsification of public document. He was found guilty of the crime by said court and, on appeal, by the Court of Appeals, and was sentenced to suffer imprisonment of from 6 months and 1 day to 10 years and 1 day.

It appears from the administrative investigation conducted by the District Judge that on December 15, 1948, respondent submitted to, and collected from, the municipal treasurer of Echague a voucher covering his salary for the period from December 1 to 15, 1948, in the amount of ₱110 at the rate of ₱220 a month. On December 31, 1948, he presented another voucher covering his salary for the period from December 1 to 31, 1948, and received from the municipal treasurer of Angadanan the sum of ₱220. By the same process he collected on January 7, 1949, the sum of ₱103.40 (₱6.60 having been deducted as his contribution to the Government Service Insurance System) as salary for December 16 to 31, 1948, from the municipal treasurer of Echague; and on January 31, 1949, the sums of ₱213.40 (₱6.60 having been deducted for his insurance contribution) and ₱220 as salary for the month of January 1949 from the municipal treasurer of Echague and Angadanan, respectively.

It is admitted that the respondent received double payment of salary for the months of December 1948 and January 1949. He claims, however, to have done so by mistake and in good faith. This is untenable. As observed by the District Judge, it is hard to believe that when he received his salary on December 31, 1948, for the whole month of December 1948 he had forgotten that he had already received his salary for the first half of that month. It is also incredible that when he collected on January 7, 1949, his salary for the second half of December 1948 he had again forgotten that he had been paid salary for the whole month of December only a week before. That there could not have been any honest mistake on his part is best shown by his act of collecting on the same date, January 31, 1949, from the two municipalities of Echague and Angadanan his salary for the same month of January 1949,

His claim that there was no damage caused the Government as the overpayment was refunded even before formal demand was made upon him is without merit. The refund was made seven months after the commission of the offense and only after a letter of demand had been sent by the provincial auditor and his attention had been called to the matter by the provincial secretary. Under the circumstances, damage and prejudice, in the contemplation of law, was caused the Government.

In collecting double salary for two successive months under the circumstances above recited, the respondent is guilty of dishonesty which renders him unfit for his office.

WHEREFORE, and upon the recommendation of the Secretary of Justice and the District Judge, Mr. Eduardo A. Abesamis is hereby removed from office as justice of the peace of Echague and Angadanan, Isabela, effective as of the date of his preventive suspension.

Done in the City of Manila, this 19th day of March, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 323
REMOVING MR. LEOVIGILDO R. AQUINO FROM OFFICE AS JUSTICE OF THE PEACE
OF NATIVIDAD, PANGASINAN.

This is an administrative case against Justice of the Peace Leovigildo R. Aquino of Natividad, Pangasinan, for gross neglect of duty relating to certain criminal cases of his court. The case was formally investigated by the district judge.

It appears during the investigation conducted by the district judge that the record of Criminal Case No. 113 could not be located anywhere. Respondent's explanation is that he remanded the case to the Court of First Instance, delivering the record thereof to the clerk of court. However, there is no showing in his docket record how the case was disposed of.

Concerning Criminal Case Nos. 248, 255 and 263, it appears that, after receiving the corresponding complaints, together with the supporting papers, the respondent just informally deposited the records with the clerk of court without making an order remanding said cases to the Court of First Instance for further proceedings in view of the existence of sufficient evidence against the accused. It was only after the present administrative proceedings were instituted that respondent completed the records of said criminal cases so that they could be docketed in the Court of First Instance.

Further investigation of his official records discloses patent remissness on his part in the keeping thereof. While Criminal Cases Nos. 112, 113, 114 and 115 were duly entered, there is absolutely no entry as to how they were disposed of or terminated. These cases were for August and October 1952 yet. Moreover, from Criminal Case No. 116 to Criminal Case No. 267, all the pages of the criminal docket of the respondent are blank, that is, no entry appears. The same is true of his docket for civil cases. Finally, the record of Criminal Case No. 116 was apparently lost, while no action of any sort was ever taken on 70 criminal cases.

These irregularities were substantially admitted by the respondent who alleges that those cases were orally disposed of by him. However, he explains that he does not have a clerk or stenographer or a typewriter, and that the table and chair he is using are his, because the municipal government cannot afford to acquire them for him. As he has no cabinet, he keeps the records of the cases in his house.

Respondent's explanation is manifestly unsatisfactory. As justice of the peace it was his inescapable duty to make the corresponding entries in his docket books. If he felt that, for lack of the facilities mentioned by him, he could not properly perform the duties of his office, he should have vacated it to give way to another who could perform such duties properly and well.

Finally, when respondent was required to explain his failure to submit his monthly reports from January 1959, he merely stated that he was preparing them. For similar habitual delinquency in the submission of his reports, his salary was withheld.

The evidence clearly shows respondent's utter irresponsibility in the discharge of his duties, particularly in making records or reports of his official actuations. His demonstrated inability

to perform these essential duties of his office inescapably leads to the conclusion that he is unfit to continue holding such responsible office from which he should be removed in the public interest.

Wherefore, and upon the recommendation of the Secretary of Justice, Mr. Leovigildo R. Aquino is hereby removed from office as justice of the peace of Natividad, Pangasinan, effective upon receipt of a copy of this order.

Done in the City of Manila, this 19th day of March, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **NATALIO P. CASTILLO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 324
DESIGNATING ADDITIONAL MEMBERS OF THE NATIONAL CIVIL DEFENSE COUNCIL

Pursuant to the provisions of section 2(a) of Republic Act No. 1190, I, Carlos P. Garcia, President of the Philippines, do hereby designate the following as additional members of the National Civil Defense Council:

1. The Undersecretary of Education
2. The Undersecretary of Special Health Services

Done in the City of Manila, this 21st day of March, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

CARLOS P. GARCIA
President of the Philippines

By the President:
NATALIO P. CASTILLO
Executive Secretary

Source: **Presidential Museum and Library**

Garcia, C. P. (1960). Administrative Order No. 324: Designating additional members of the National Civil Defense Council. *Official Gazette of the Republic of the Philippines*, 56(14), 2931.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 325

AUTHORIZING THE DEPARTMENT OF FOREIGN AFFAIRS TO ACT AS THE CLEARING HOUSE FOR ALL PROPOSED ACTION BY DEPARTMENTS, OFFICES, AND AGENCIES OF THE PHILIPPINE GOVERNMENT WITH THE VIEW TO EFFECTING INTER-DEPARTMENTAL COORDINATION FOR THE PROPER IMPLEMENTATION OF PRIOR CONSULTATION PURSUANT TO ARTICLE III OF THE LAUREL-LANGLEY AGREEMENT AND ON ALL MATTERS ENVISAGED WITHIN THE FRAMEWORK OF THE AGREEMENT WHICH ARE OF MUTUAL INTEREST TO THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE UNITED STATES, AND PRESCRIBING THE PROCEDURE THEREFOR.

Whereas, under the provisions of Article III of the Laurel-Langley Agreement, either country shall give notice of any proposed action to the other party as far in advance as may be practicable and shall afford it opportunity to consult in respect of such action:

Whereas, the Government of the Republic of the Philippines and the Government of the United States had time and again called each other's attention to the effect that the prior consultation provisions of Article III of the Laurel-Langley Agreement had been overlooked in connection with certain actions taken;

Whereas, the Government of the Republic of the Philippines and the Government of the United States equally favor liberal attitude regarding the scope of prior consultation and each would seek to undertake prior consultation on all matters envisaged within the framework of the Agreement which are of mutual interest to both countries;

Now, therefore, I, CARLOS P. GARCIA, by virtue of the powers vested in me by law, and in order to effect the necessary inter-departmental coordination for the proper implementation of prior consultation pursuant to Article III of the Laurel-Langley Agreement and on all matters envisaged within the frameworks of the Agreement which are of mutual interest to the Republic of the Philippines and the United States, do hereby authorize the Department of Foreign Affairs to act as the clearing house for all proposed action by the departments, offices, and agencies of the Philippine Government, more particularly, the Central Bank of the Philippines, Department of Finance, Department of Commerce and Industry, Department of Agriculture and Natural Resources, National Economic Council, and Tariff Commission, and prescribe the following procedure to be observed, to wit:

1. Any proposed action shall be referred to the Legal Officer of the department, office or agency concerned, who shall determine whether it falls within the prior consultation provisions of Article III of the Laurel-Langley Agreement or whether it is envisaged within the framework of the Agreement and is of mutual interest to both countries.

2. Upon an affirmative determination by the said Legal Officer, the department, office or agency concerned shall forward the matter to the Secretary of Foreign Affairs who, if he concurs therein, shall give notice to the Government of the United States through diplomatic channels as far in advance as may be practicable and afford it opportunity to consult in respect of such proposed action.

Done in the City of Manila, this 23rd day of March, in the year of our Lord Nineteen Hundred and Sixty and of the Independence of the Philippines, the Fourteenth.

(Sgd.) **CARLOS P. GARCIA**
President of the Philippines

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 326
REMOVING MR. VICENTE M. CAPELLAN FROM OFFICE AS REGISTER OF DEEDS
OF ISABELA.

This is an administrative case against Mr. Vicente M. Capellan, register of deeds of Isabela, for neglect of duty and violation of reasonable office rules and regulations.

In a letter to this Office dated July 20, 1958, Filemon de la Cruz complained that when he went to respondent's office to register a deed of sale over Lot No. 4030 covered by Certificate of Title No. 54 in the name of Tomas Aggasig, complainant found that the owner's duplicate of said title had been delivered to a person other than the registered owner and that the same title was being sold to him for ₱300 by one Attorney Alcid.

The complaint was referred to the Land Registration Commission which in turn indorsed it to the respondent for comment, the indorsement having been sent by registered mail and received by the respondent on August 25, 1958, as shown by the registry return receipt. However, the respondent failed to answer the communication, in violation of office regulations requiring that official communications be answered within five days from receipt thereof.

On October 23, 1958, respondent was formally charged with (1) neglect of duty and violation of office regulations for failing to answer correspondence and (2) delivering or causing to be delivered a certificate of title to land to a person other than the owner without the latter's knowledge or consent. He was directed to state whether he desired a formal investigation and was advised that his failure to so state would be deemed a waiver of his right to be heard. The communication was again sent by registered mail, which was received by the respondent on October 27, 1958, as shown by the registry return receipt. Again the respondent failed to answer.

In view of respondent's implied admission of the charges by his failure to answer them, the Secretary of Justice agrees with the Commissioner of Land Registration in finding him guilty of the charges. The Secretary believes, however, and I concur with him, that, considering the gravity of the charges, the fine of fifteen (15) days' pay recommended by the Commissioner is too lenient. As stated by the Commissioner, respondent's failure to answer official correspondence "clearly and unmistakably indicates not only wanton neglect in the performance of his sworn and bounden duty but also constitutes deliberate disregard and open defiance of reasonable office regulations. "Moreover, the evidence shows that this offense is habitual on respondent's part because, aside from his having been reprimanded and warned by the Department of Justice on February 28, 1955, for a similar offense, he has been repeatedly admonished and warned by the Land Registration Commission for like offenses.

Finally, the act of the respondent in delivering or causing to be delivered a duplicate certificate of title to a person other than the owner thereof without the latter's knowledge or consent constitutes an even graver violation of respondent's duty, essentially affecting his fitness to continue in his position. As observed by the Secretary of Justice, such an act implies either dishonesty or serious negligence and cannot be tolerated without materially undermining popular confidence in the honesty and efficiency of the Government.

WHEREFORE, and upon the recommendation of the Secretary of Justice, Mr. Vicente M. Capellan is hereby removed from office as register of deeds of Isabela, effective upon receipt of a copy of this order.

Done in the City of Manila, this 26th day of March, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **NATALIO P. CASTILLO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 327
REMOVING MR. RICARDO GARCIA FROM OFFICE AS JUSTICE OF THE PEACE
OF JOLO, SULU.

This is an administrative case filed by Hadjali Jumaide against Mr. Ricardo Garcia, justice of the peace of Jolo, Sulu, for bribery on two counts in connection with the preliminary investigation of Criminal Case No. 431 conducted by the respondent while acting justice of the peace of Patikul, Sulu. The record submitted appears to be a reconstitution from the personal files of the District Judge who investigated the complaint and of the stenographer who took down notes of the proceedings during the investigation, as the original record together with the papers on two other administrative cases against the same respondent submitted to the Department of Justice for review during the incumbency of the former Secretaries of Justice have been misplaced and could not be located despite diligent search.

After a careful review of the evidence on record which consists of the testimony of the complainant and the respondent and their respective witnesses, the following appear duly established: (1) that respondent's wife received the sum of ₱180 for the bail bond of two of the accused in Criminal Case No. 431 in respondent's house and in his presence and (2) that respondent himself received the sum of ₱200 from the father of the two accused in the same case which he subsequently dismissed. I am unable to pass upon the finding of the investigating Judge that respondent's dismissal of the case against the two accused was arbitrary and unjustified, his conclusion being based on his own review of the record of said criminal case presented as Exhibit 1 for the respondent which is not now available.

Although the District Judge believes that the ₱200 was received by the respondent on the understanding with the giver that it was to be delivered to the offended party in consideration of the dismissal of the case, which probably accounts for the light penalty of three month's suspension recommended by the Judge, the fact is that respondent kept the money for himself an act of grave dishonesty that renders him unfit to continue in office.

Wherefore, and upon the recommendation of the Secretary of Justice, Mr. Ricardo Garcia is hereby removed from office as justice of the peace of Jolo, Sulu, effective upon receipt of a copy of this order.

Done in the City of Manila, this 26th day of March, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 328
CONSIDERING MR. VICENTE T. REAL RESIGNED FROM OFFICE AS JUSTICE
OF THE PEACE OF MANJUYOD, ORIENTAL NEGROS.

These are three administrative cases, Nos. 99, 100 and 103 of the Court of First Instance of Negros Oriental, against Justice of the Peace Vicente T. Real of Manjuyod, same province. Only the last two were formally investigated, as case No. 99 was dismissed on motion of counsel for the complainant.

The District Judge who investigated the case recommends that respondent be suspended from office for fifteen days in Case No. 100 and that he “be enjoined to desist from obtaining loans from any person, who are parties in cases pending before his court, in order to obviate any suspicion on the part of the public as regards his integrity,” in Case No. 103.

In Administrative Case No. 100, respondent is charged with serious abuse of authority and malicious persecution by Sofia Blaso de Kadusale, who complains that respondent tried to compel her to sign a deed of sale against her will, and threatened her with criminal prosecution should she refuse to sign the document. The complainant, it appears, inherited some properties from her father. She testified that on March 24, 1958, respondent called her to his office and asked her to sign a deed for the sale of one of the properties she inherited from her father in favor of certain relatives. As she refused to sign document, respondent threatened that a complaint for estafa would be filed against her and she would be arrested. The following day, March 25, 1958, a complaint for estafa was filed against her by Filomena Blaso and she was arrested on the same day upon a warrant issued by the respondent.

The testimony of Sofia Blaso de Kadusale is corroborated by Ignacio Blaso, one of those who signed the document, the then Acting Chief of Police of Manjuyod, Aurelio Arapoc, who said he was present when Sofia Blaso de Kadusale was being compelled to sign the document, and Municipal Secretary Timoteo Bangcairen, who read and translated the document in question to the complainant. Acting Chief of Police Aurelio Arapoc also testified that on March 25, 1958, respondent accompanied Filomena Blaso and Angel Saraña to his office, handed him a draft of a complaint for estafa against Sofia Blasco de Kadusale and instructed him to reduce said draft in final form and to secure the affidavits of witnesses. After he had prepared the complaint and the supporting affidavits, as bidden, they were handed to the respondent who issued the corresponding warrant of arrest.

In his defense, the respondent merely denied the accusation against him and put up the alibi that on March 24, 1958, he was in Payabon attending to another case. No evidence was presented to indicate any reason or motive why the complainant and her witnesses Timoteo Bangcairen, Aurelio Arapoc and Ignacio Blaso, should testify falsely against him. Respondent admitted that he was the one who prepared the deed of sale, although he said it was only a draft. He also averred that while he prepared the deed of sale for the signature of Sofia Blaso de Kadusale, his real purpose was to settle the estate of Sofia’s deceased father in relation to the claims of the other pretending heirs.

Upon a thorough evaluation of the evidence, I am convinced that respondent really tried but failed to coerce Sofia Blaso de Kadusale into signing the document and vindictively abused the power

of his office by immediately giving due course to the complaint for estafa, which he himself caused to be prepared and filed against the complainant. The respondent's mere denial and his alibi cannot stand against the clear, positive, and straightforward testimony of the complainant and her witnesses.

In Administrative Case No. 103, Victorio Sy complains that respondent acted hastily in dismissing Criminal Case No. 614 for light threats and that respondent borrowed money from Alipio Sy, who was the offended party in the said case.

A perusal of the proceedings taken in Criminal Case No. 614 does not indicate any irregularity nor abuse of discretion committed by the respondent in dismissing the same. It appears that a motion to quash was filed by the accused and respondent decided the motion after finding that there was no prima facie case against the accused in view of the contradictory testimony of the witnesses for the prosecution.

The evidence also shows that respondent borrowed ₱150.00 from Alipio Sy when Criminal Case No. 614 was pending in his court. Although subsequent events prove that respondent was not influenced by the loan because he decided the case against his creditor, his act was highly improper and reprehensible, for it placed his integrity as a judge in grave doubt.

The above offenses committed by the respondent are believed serious enough to call for mere suspension as recommended by the District Judge. As observed by the Secretary of Justice, "Judicial power is a menace in the hands of one who, like the respondent, would utilize the powers of his office to persecute a person after failing in his immoral attempt to coerce that person into doing an act against his will."

Wherefore, Mr. Vicente T. Real is hereby considered resigned as justice of the peace of Manjuyod, Oriental Negros, effective upon receipt of a copy of this order.

Done in the City of Manila, this 2nd day of April, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) NATALIO P. CASTILLO
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1960). [Administrative Order Nos.: 235 - 387]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 329
CREATING A COMMITTEE TO STUDY PROBLEMS CONFRONTING NAVIGATION IN
PHILIPPINE WATERS AND RECOMMEND APPROPRIATE SOLUTIONS.

For the purpose of studying the problems confronting navigation in Philippine waters with a view to minimizing loss of life and property at sea, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby create a committee composed of the following:

The Port Operations Officer, Bureau of Customs	Chairman
A representative of the Office of the President.....	Member
A representative of the Department of National Defense	"
A representative of the Philippine Navy.....	"
A representative of the Philippine Constabulary	"
A representative of the Weather Bureau.....	"
A representative of the Bureau of Coast and Geodetic Survey	"
The Chief of the Hulls and Boilers Divisions, Bureau of Customs	"
A representative of the Industrial Development Center	"
A representative of the Filipino Shipowners Association	"
A representative of the Interisland Deep Sea Fishing Association	"
A representative of the Associated Steamship Lines	"
A representative of the Philippine Marine Officers Guild	"
A representative of the Marine Officers Association of the Philippines.....	"
A representative of the United Harbor Pilots Association of the Philippines	"

The Committee is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the Government for such assistance and information as it may need in the performance of its functions.

The Committee shall submit its report and recommendations to the President of the Philippines as soon as possible.

Done in the City of Manila, this 29th day of April, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1960). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 330
CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE
FOURTEENTH ANNIVERSARY CELEBRATION OF THE REPUBLIC OF THE PHILIPPINES
ON JULY 4, 1960.

Pursuant to the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines do hereby create a National Committee to formulate plans and devise ways and means for the appropriate celebration of the Fourteenth Anniversary of the Republic of the Philippines on July 4, 1960. The Committee shall be composed of the following:

Hon. Jose E. Romero, Secretary of Education.....	Chairman
Hon. Alejo S. Santos, Secretary of National Defense	Vice-Chairman
Hon. Angel M. Castaño, Secretary of Labor	Member
Hon. Elpidio Valencia, Secretary of Health.....	"
Hon. Juan O. Chioco, Administrator of Economic Coordination.....	"
Hon. Lugum Uka, Commissioner, National Integration	"
Hon. Jose C. Nable, Press Secretary	"
The Chairman, Governors and City Mayors League of the Philippines	"
Dr. Andres V. Castillo, Deputy Governor, Central Bank of the Philippines	"
Mr. Gregorio S. Licaros, Chairman, Development Bank of the Philippines	"
Hon. Eduardo Z. Romualdez, President, Philippine National Bank	"
The President, University of the Philippines	"
The President, Philippine Association of Colleges and Universities (PACU)	"
The National Commander, Veterans Federation of the Philippines	"
The Commissioner on Tourism.....	"
The President, Chamber of Commerce of the Philippines.....	"
The President, Philippine Chamber of Industries	"
The President, Chamber of Agriculture and Natural Resources	"
The President, Bankers Association of the Philippines	"
The President, Manila Rotary Club	"
The President, Manila Junior Chamber of Commerce	"
The President, Lions Club of Manila	"
The President, National Press Club of the Philippines	"
The President, Civic Assembly of Women of the Philippines.....	"

The General Manager, Philippine Association	Member
Mr. Aguinaldo C. Maaba	Member-Secretary

The Committee shall meet at the call of the Chairman, and, for the purpose of discharging its functions, may create such subcommittees as may be necessary.

Done in the City of Manila, this 31st day of May, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 331
CREATING A COMMITTEE TO TAKE CHARGE OF ALL ARRANGEMENTS CONNECTED
WITH THE FORTHCOMING STATE VISIT OF PRESIDENT DWIGHT D. EISENHOWER
OF THE UNITED STATES.

By virtue of the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby create a committee to take charge of all arrangements connected with the forthcoming state visit of President Dwight D. Eisenhower of the United States, including his reception, stay and departure. The committee shall be composed of the following:

Hon. Natalio P. Castillo	Chairman and Coordinator
Hon. Jose Romero	Member
Hon. Alejo Santos	"
Hon. Angel Castaño.....	"
Hon. Dominador Aytona	"
Hon. Fructuoso Cabahug	"
Hon. Jose Nable	Member and Secretary

The committee shall be responsible for the planning, coordination and smooth execution of all arrangements that will be made in connection with the said state visit.

The committee is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the government, including government-owned or controlled corporations, for such assistance as it may need in discharging its duties and functions.

Done in the City of Manila, this 1st day of June, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fourteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 332
REMOVING ADMINISTRATOR RUBEN VILLALUZ AND SUSPENDING ASSISTANT
ADMINISTRATOR AURELIO DE LEON, BOTH OF THE MOTOR VEHICLES OFFICE.

This is an administrative case against Messrs. Ruben Villaluz and Aurelio de Leon, Administrator and Assistant Administrator, respectively, of the Motor Vehicles Office (MVO). The case arose from a complaint by the Chairman of the Committee on Good Government of the House of Representatives and the Secretary of Public Works and Communications against respondents for gross mismanagement, inefficiency, and negligence in the performance of their duties, consisting of the following charges:

I. Irregular and anomalous acceptance or handling of backpay applications and certificates of indebtedness in payment of registration fees for motor vehicles;

II. Acceptance of negotiable certificates of indebtedness after May 20, 1959, for payment of registration fees of motor vehicles whose owners are not the original backpay holders, Opinion No. 69, series of 1959, of the Secretary of Justice notwithstanding;

III. Inefficient and negligent methods of collection of registration fees;

IV. Irregular and anomalous procedure in the requisition and disposition of license plates; and

V. Inadequate accounting control system or intentional toleration of the same, thereby facilitating the commission of graft and corruption in the disbursement of funds.

I

Charge No. 1 contained the following specifications, namely: (a) faulty receiving, filing, processing and recording of backpay applications and certificates of indebtedness; (b) negligent transmittal of said applications and certificates to, and/or irregular receipt thereof from, the Bureau of Treasury; (c) commission of anomalies and fraud causing loss to the government. Respondent Villaluz denies this particular charge, stating that the Registration Division of the MVO since 1949 has maintained a complete record of all backpay applications filed by the motor vehicles registrants. On the other hand, respondent De Leon admits the truth of the prevalent conditions of the backpay applications and certificates of indebtedness tendered for payment of registration fees as specified in the complaint. However, he disclaims responsibility therefor on the ground that this state of things transpired before he became Assistant Administrator and that as soon as he assumed office he initiated a system for the proper receiving, filing and processing of backpay applications and certificates of indebtedness.

The claim of respondent Villaluz that the Registration Division of the MVO has maintained since 1949 a complete record of all backpay applications tendered in payment of registration fees is without any basis in fact. On the contrary, in the investigation against respondents, tremendous evidence was adduced establishing beyond doubt that, from January 1953 to September 1958, the handling of backpay applications and certificates of indebtedness in payment of registration fees of motor vehicles

was a messy and obnoxious affair. Several backpay applications were received but not recorded; some of those received and recorded did not have a complete data; and plenty were lost or could not be accounted for. Thousands of these applications were not sent to the Bureau of Treasury for the issuance of the corresponding certificates of indebtedness. Of those that were so transmitted, several were not recorded as such and several others were recorded as transmitted but were not recorded as received by the MVO. This overall picture of the backpay applications and certificates of indebtedness tendered in payment of registration fees of motor vehicles during that period was indeed a sad and depressing spectacle of wanton waste which was allowed to remain uncorrected for quite a long time.

Romeo Q. Lopez, the leader of the team of auditors which from September 1958 to April 1959 conducted an examination of the accounts and operations of the MVO, testified that his team has found that from January 1953 to September 1958 the MVO received 12,941 backpay applications in payment of registration fees. Of this number, according to him, only 7,531 applications with a total value of ₱3,506,363.06 were recorded; 4,925, with a total value of ₱1,813,547.60 were not recorded in the books provided for the purpose; and 485, although recorded, did not contain complete data, e.g., names and addresses of applicants, amounts, application numbers, etc. He further testified that of the number of applications received by the MVO, whether recorded or not, 9,848 with a total value of ₱4,594,233.39 were not transmitted to the Bureau of Treasury; that 2,621 with a value of ₱1,766,256.86 which were recorded as received could not be located or accounted for; and that while on record the MVO sent 3,093 applications to the Bureau of Treasury, it received from the latter 3,699 certificates of indebtedness or an excess of about 600 certificates.

Lopez also disclosed that in the course of their work his team had discovered that backpay applications received in the field agencies of the MVO were not promptly reported or sent to its central office; that motor vehicles registrants paying registration fees with backpay applications were not required to submit certifications of balances of their backpay and, if there were any submitted, these were based on true copies only; that the total amount due for redemption could not be determined; that circulars prescribing the control of backpay applications were not issued to the offices concerned; and that vehicles the registration fees of which were not collected were allowed to be sold.

Respondent Aurelio de Leon in his testimony confirmed the findings of the auditing team as testified to by Lopez. Messrs. Pedro de Castro and Eusebio H. Domingo, Chief of the Administrative Division and Chief Teller, respectively, of the MVO, also corroborated the findings of the auditing team. The former testified that neither of the respondents exerted any effort to remedy the faulty procedure in the acceptance and handling of backpay applications in payment of registration fees and that it was only when the present Acting MVO Administrator assumed office that steps were taken to have a complete record of backpay applications and certificates of indebtedness filed with and received by the MVO. According to the latter, it was only in 1959 that he began sending certificates of indebtedness to the Bureau of Treasury for redemption, after receiving instructions so to do from the auditing team of Lopez and that as of March 9, 1960, barely one fourth of the certificates of indebtedness received by the MVO amounting to ₱11,270,277.57 had so far been sent to the Bureau of Treasury.

The MVO's inept and defective system of effecting payment of registration fees of motor vehicles with backpay applications then was utterly detrimental to the Government, making it pitifully suffer a disastrous and incalculable loss of revenue. Payment of registration fees was avoided by the loss of backpay applications. On this score, the auditing team found that 2,621 applications with a value of ₱1,766,256.86 were missing and could not be located. Alterations of the amounts of backpay applications, the filing dates thereof, and the names of applicants were made possible, enabling motor vehicle registrants to evade penalties, circumvent the law, and defraud the government. Encouraged

and facilitated was the acceptance of backpay applications with insufficient amounts and those that were forged or falsified.

The hand-carrying of backpay applications tendered in payment of registration fees by the registrants themselves, having been tolerated, has effected the non-transmittal thereof to the Bureau of Treasury, resulting in the non-issuance of the corresponding certificates of indebtedness and the non-deduction of the amount for registration fees in the holders' acknowledgment certificates. Unwarranted delay in the transmittal of backpay applications to the Bureau of Treasury has enabled the holders thereof to obtain full redemption of their backpay so that nothing was left for the payment of the registration fees. Indorsements of certificates of indebtedness by the holders could not be obtained, for these were forwarded to the holders who usually did not return them to the MVO and, even if forwarded to the MVO, the holders could not be located. In the province of Nueva Ecija alone, certificates of indebtedness amounting to ₱161,526.85 were not indorsed, as their holders could not be found.

II

Under this charge, the evidence presented in the investigation established the following facts: On April 27, 1959, the Secretary of Justice rendered Opinion No. 69, reiterating his previous ruling that negotiable certificates of indebtedness may be used only in payment of the tax obligations of the original backpay holder. Respondent Villaluz asked for and was furnished with a copy of said opinion. On May 20, 1959, he issued an urgent circular to all MVO officials and employees, inviting their attention to the aforesaid opinion and directing that backpay applications and certificates of indebtedness be not accepted in payment of registration fees unless the motor vehicle registrants are themselves the original holders thereof. Two days later, as it appeared that the opinion of the Secretary of Justice was in conflict with that of the Auditor General contained in Provincial Auditor Circular No. 46, series of 1958, respondent Villaluz inquired from the Secretary of Public Works and Communications as to which of the two opinions should be followed.

Immediately after sending his inquiry and before receiving an answer thereto, respondent Villaluz approved the acceptance of 66 negotiable certificates of indebtedness in payment of registration fees of motor vehicles whose owners were not the original holders thereof. This moved the MVO resident auditor to suspend the payment of registration fees thus affected in a letter to respondent Villaluz dated August 21, 1959. But the auditor's letter did not deter him from repeating his impugned action. He again approved the acceptance of 67 negotiable certificates of indebtedness under a similar circumstance. As before, the MVO auditor sent another letter of suspension of payment to him on September 9, 1959. Parenthetically, the opinion of the Secretary of Justice was later on confirmed by the Executive Secretary, acting by authority of the President and the Auditor General.

For his part, respondent De Leon washes his hand of any liability for the acceptance of the certificates in question, averring that he had not done anything in connection therewith. The evidence does not dispute his stand in this instance. He is therefore blameless. On the other hand, respondent Villaluz candidly admits that, while the question he raised as to which of the two conflicting opinions should prevail was still pending resolution, he accepted negotiable certificates of indebtedness with a total value of ₱287,000.00 for the payment of registration fees in direct contravention of his own circular of May 20, 1959, re Opinion No. 69, series of 1959, of the Secretary of Justice. He justifies his act of so doing, however, in that he allegedly accepted said certificates with the express promise of the registrants concerned to make good in cash the value of the certificates so accepted if and when the final decision on his inquiry was to confirm said opinion of the Secretary of Justice.

A prudent official would have done otherwise. The Government does not stand to benefit under the opinion of the Auditor General. Moreover, considering that the opinion of the Secretary of Justice was rendered much later than that of the Auditor General, respondent Villaluz should have given the former due respect instead of the latter. But it seems that to him the interests of the registrants paying the registration fees with the questioned certificates, who incidentally are big transportation operators, were paramount to those of the government, to whom he is bound in duty to serve faithfully and well. If he were in doubt as to the correctness of the opinion of the Secretary of Justice and was more inclined to agree with that of the Auditor General, he nevertheless would have required the registrants to pay their obligations in cash with the condition that they be allowed later to substitute their cash payment with the certificates in question, if and when his views on the matter were sustained. Instead he did the other way around. Later, events soon proved the difficulty, if not impossibility, of the MVO to compel the registrants to make good their promise to pay in cash the registration fees of their vehicles now that the opinion of the Secretary of Justice has become the settled law on the subject.

III

On the charge of inefficient and negligent methods of collection of registration fees, the specifications are as follows: (a) that collections made by the MVO agencies have not been reported to it; (b) that no serious efforts were made to effect the collection of delinquent registration fees; and (c) that no appreciable steps were taken to straighten out the matter of registration fees paid with dishonored and/or uncertified checks.

Auditor Lopez testified that his team had found that as of June 30, 1958, collections made by MVO agencies in the sum of ₱1,811,806.83 were not reported to it. But while this assertion is not controverted, it is also an undisputed fact that numerous letters and telegrams had been sent to all treasurers reminding and urging them to submit their monthly reports; that where these communications failed to produce the desired results, the matter was brought to the attention of the Secretary of Finance and the Auditor General; and that the treasurers are not under the administrative supervision of the respondents. For these reasons, respondents may not be held liable for the unreported collections. But had they been more devoted to the interest and welfare of the government, they would have exerted more efforts in finding a more effective and potent way to remedy the situation.

It was revealed in the investigation that vehicles the registration fees of which have not been fully paid were not properly identified. This practice not only jeopardized the collection of delinquent registration fees but even caused the loss of substantial collectible fees. In the City of Manila alone, registration fees for the second semester of 1958 in the sum of ₱65,000.00 have not been paid. Respondents, particularly De Leon, have not exerted any effort to facilitate the possibility of collecting delinquent fees. The indifference of respondent De Leon towards the collection of delinquent fees was even proved in the investigation. Evidence was presented showing that his attention was invited to this matter of delinquent fees by the Chief of the MVO Registration Division who, in a memorandum to the heads of the law enforcement and inspection and examination divisions coursed through respondent De Leon, suggested the confiscation of license plates of delinquent vehicles to effect the collection of the unpaid fees. To this suggestion, respondent De Leon did nothing but wrote the word “approved” on the memorandum. In fact, there had been no case of delinquency where he or respondent Villaluz for that matter, ordered the confiscation of license plates.

It was also disclosed in the investigation that as of June 30, 1958, the checks received by the MVO in payment of registration fees which later on were dishonored amounted to ₱25,065.40. Some of these checks have been outstanding since 1946. Only a few of them were brought to the attention

of the Office of the Solicitor General for appropriate legal action. No circular was issued to the MVO agencies to prevent the re-registration of vehicles the registration fees of which were paid with these checks. It was further established that uncertified checks were accepted for the payment of registration fees in violation of Regulation No. 11 dated February 8, 1956, of the Secretary of Public Works and Communications.

Respondent Villaluz belittles the gravity of the charge relative to the rubber checks, contending that the amount of the dishonored checks is only about one per cent of the amount of the good checks and, compared with the total amount of registration fees collected since 1946, is insignificant and negligible. On his behalf, respondent De Leon asserts that all the dishonored checks except one were accepted by the MVO prior to his assumption of his office and that the one accepted after he had assumed office was already redeemed.

The amount of the rubber checks accepted in registration fees in the sum of about ₱25,000.00 may be insignificant, to paraphrase respondent Villaluz. But this is no excuse for him not to take appropriate measures to recover the amount involved. It is not material that the Government collected more registration fees than what it was not able to collect as represented by the bouncing checks. The important thing was that respondent Villaluz, as head of the MVO, should have taken effective steps for the recovery of the uncollected fees and not satisfied himself with the fact that the MVO collected more than what it lost nor abandoned the uncollected fees as bad debts.

IV

On the charge of irregular and anomalous requisition and disposition of license plates, it was established that the MVO had not adopted an accurate system for determining the number of license plates that should be requisitioned every year. For the years 1957 and 1958, a total of 37,000 plates remained unsold. This meant a loss of ₱62,000.00 to the Government. Had the MVO authorities instituted a procedure by which excess in the requisition of license plates could be avoided or reduced to a minimum, the Government would not have suffered a substantial loss on this matter alone.

V

The charge that the MVO had an inadequate and faulty accounting control system was fully proven at the investigation. It was found that the obligations for travel expenses, supplies and materials, and equipment exceeded the allotments for these items in the sums of ₱20.00, ₱15,742.00 and ₱27,977.67, respectively. Many of the accounting practices and procedures in the MVO were expensive and cumbersome and not in accordance with auditing circulars. The MVO did not even have a centralized record system, each division maintaining a record of its own. This sad state of affairs has enabled not only MVO employees but even outsiders to ply their nefarious trade of graft and corruption.

In resume, I find both respondents guilty as charged. As to respondent De Leon, however, considering that he occupied a position of lesser responsibility and that he assumed office in June 1958 only, I find him guilty of a lighter gravity than that of respondent Villaluz.

WHEREFORE, respondent Ruben Villaluz is hereby dismissed from the service and respondent Aurelio de Leon suspended for a period of six (6) months effective as of the dates of their respective preventive suspensions.

Done in the City of Manila, this 29th day of July, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 333
CREATING A COMMITTEE ON DOCUMENTARY FILMS

By virtue of the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby create a Committee on Documentary Films to be composed of the following:

Mr. Alfredo Lozano	Chairman
Mr. Celso Carunungan.....	Member
Mr. Galo B. Ocampo	"
Mr. Francisco Trinidad.....	"
Mr. Fernando C. Santico.....	Executive-Member
Mr. Pedro Abella.....	Secretary

The committee shall supervise the production of the documentary film projects for exhibition not only locally but also in foreign countries to help in the dissemination of correct information about the Philippines.

The committee is hereby authorized to call upon any department, bureau, office or instrumentality of the Government, including Government-owned or controlled corporations, for such assistance or information as it may need in carrying out its functions.

Done in the City of Manila, this 3rd day of August, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fifteenth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) NATALIO CASTILLO
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1960). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 334
PRESCRIBING THE FORM FOR THE SWORN STATEMENT OF ASSETS
AND LIABILITIES REQUIRED UNDER SECTION 7 OF REPUBLIC ACT NO. 3019,
OTHERWISE KNOWN AS THE ANTI-GRAFT LAW.

WHEREAS, Section 7 of Republic Act No. 3019, otherwise known as the Anti-Graft Law, requires all public officers to file a true detailed and sworn statement of their assets and liabilities, as follows:

“SEC. 7. Statement of assets and liabilities. Every public officer, within thirty days after the approval of this Act or after assuming office, and within the month of January of every other year thereafter, as well as upon the expiration of his term of office, or upon his resignation or separation from office, shall prepare and file with the office of the corresponding Department Head, or in the case of a Head of Department or chief of an independent office, with the Office of the President, or in the case of members of the Congress and the officials and employees thereof, with the Office of the Secretary of the corresponding House, a true detailed and sworn statement of assets and liabilities, including a statement of the amounts and sources of his income, the amount of his personal and family expenses, and the amount of income taxes paid for the next preceding calendar year: Provided, That public officers assuming office less than two months before the end of the calendar year, may file their first statements in the following months of January.”

WHEREAS, Section 2(b) of the aforecited law defines “public officer” as including “elective and appointive officials and employees, permanent or temporary, whether in the classified or unclassified or exempt service receiving compensation, even nominal, from the government,” and Section 2(a) provides that “‘government’ includes the national government, the local governments, the government-owned and government-controlled corporations, and all other instrumentalities or agencies of the Republic of the Philippines and their branches.”

NOW, THEREFORE, I, CARLOS P. GARCIA, by virtue of the powers vested in me by law and in order to implement the above-quoted provisions of law, do hereby enjoin all officials and employees of the government to file their sworn statement of assets and liabilities as of August 31, 1960, and submit the same as indicated not later than September 16, 1960. For this purpose, there is hereby prescribed the attached “Sworn Statement of Financial Condition, Assets, Income and Liabilities” form, sufficient copies of which shall be prepared by all offices concerned for use of their respective officials and employees.

In order to insure that all concerned comply with this requirement not later than September 16, 1960, for the first filing, and in January of every other year thereafter, all Department Secretaries and

heads of bureaus, offices, and provincial, city and municipal governments, and other government agencies and instrumentalities, including government-owned or controlled corporations, are also hereby enjoined to see to it that officials and employees under them prepare and file the required statements within the prescribed period, attention in this connection being invited to Section 9(b) of the law, hereunder quoted, prescribed penalties for violation of any of the provisions of the aforementioned Section 7:

“Any public officer violating any of the provisions of Section 7 of this Act shall be punished by a fine of not less than one hundred pesos nor more than one thousand pesos, or by imprisonment not exceeding one year, or by both such fine and imprisonment, at the discretion of the Court.

“The violation of said section proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public officer, even if no criminal prosecution is instituted against him.

Done in the City of Manila, Philippines, this 1st day of September, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fifteenth.

(Sgd.) CARLOS P. GARCIA

By the President:

(Sgd.) NATALIO P. CASTILLO

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 335

MODIFYING ADMINISTRATIVE ORDER NO. 147, DATED OCTOBER 26, 1955,
CONCERNING MR. CELSO AVELINO, FORMER CITY ATTORNEY OF CALBAYOG,
BY CONSIDERING HIS SEPARATION AS WITHOUT PREJUDICE TO HIS REINSTATEMENT
IN THE PUBLIC SERVICE AT THE INITIATIVE OF THE APPOINTING AUTHORITY.

Under Administrative Order No. 147, dated October 26, 1955, Mr. Celso Avelino was removed as city attorney of Calbayog for electioneering, partiality and ignorance of the law. Upon his request for reconsideration, the Secretary of Justice recommends modification of the order so as to consider him as having resigned without prejudice to reinstatement in the government service except in the prosecution service and in the judiciary.

After considering the period of time that has elapsed since respondent's separation from the service, I am inclined to agree with the Secretary of Justice that Mr. Avelino has been sufficiently punished for his misdeeds. Hence the decision may now be modified insofar as his removal constitutes a bar to his reinstatement in the public service.

WHEREFORE, Administrative Order No. 147, dated October 26, 1955, is hereby modified in the sense that Mr. Celso Avelino's removal shall be without prejudice in his reinstatement in the public service, except in the prosecution branch and in the judiciary, at the initiative of the appointing authority.

Done in the City of Manila, this 24th day of October, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **NATALIO P. CASTILLO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 336

MODIFYING ADMINISTRATIVE ORDER NO. 327, DATED MARCH 26, 1960, BY
CONSIDERING AS RESIGNED JUSTICE OF THE PEACE RICARDO GARCIA OF JOLO, SULU.

After considering the representations contained in the motion for reconsideration filed by Mr. Ricardo Garcia, who was removed from office as justice of the peace of Job, Sulu, under Administrative Order No. 327, dated March 26, 1960, particularly the circumstance of his having been in the public service for more than 29 years, I am satisfied that he deserves a less severe penalty.

Wherefore, Administrative Order No. 327, dated March 26, 1960, is hereby modified in the sense that Mr. Ricardo Garcia is considered resigned, effective as of the receipt of said Administrative Order No. 327, without prejudice to receiving retirement benefits under the law.

Done in the City of Manila, this 7th day of November, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 337

CONSIDERING MR. JOSE V. YLANAN RESIGNED FROM OFFICE AS JUSTICE
OF THE PEACE OF MADDELA, NUEVA VIZCAYA.

This is an administrative case against Mr. Jose V. Ylanan, justice of the peace of Maddela, Nueva Vizcaya, for alleged immorality and electioneering. The charges, which respondent denied and claimed to have been motivated by political and personal differences, were investigated by the District Judge who found the respondent guilty thereof.

A review of the record discloses the following facts to have been duly established:

Immorality Charge

Respondent is married to Dominga Olivar who, during the time here involved, was staying in Manila where she was teaching and their children were studying.

He assumed office sometime in 1946 and in the same year had illicit relations with Marcelina Ganda, a local school teacher, who quit her job to live with him. After occupying two houses they moved to that of the woman's father in Barrio Buenavista, Maddela, where they stayed for a short time as they built their own house on her father's lot. They stayed in this house for about five years. Shortly before the general elections on November 8, 1955, they transferred to a house in the poblacion near the town hall where they continued to live together.

From this union respondent and Marcelina Ganda begot twin boys named Ismael and Rafael Ylanan who were stillborn and a third child named Renato Ylanan. Respondent was the one who secured and paid for the death certificates of the twins. They behaved publicly and privately as husband and wife in Maddela where they were reputed as such, promenading in public places with their child Renato whom they carried alternately, living together and raising vegetables and poultry for the family. On the occasion of Renato's fifth birthday sometime in January 1954 a group picture of the persons present at the celebration was taken. Respondent, Renato and Marcelina Ganda appear together in the middle of the picture.

Electioneering Charge

In the general elections of November 8, 1955, Marcelina Ganda was candidate for municipal mayor of Maddela, Nueva Vizcaya.

About two weeks before the elections, Marcelina Ganda held a political meeting in the house of Mariano Bata in Barrio Dumabato, Maddela. While she was speaking, Jaime Mayo rose to ask what name was to be written on the ballot—whether Marcelina Ganda, Marcelina Ylanan, or Celing—to which respondent, who was present, replied that anyone would do. He added that if she be elected they would make a good team because she would be the mayor and he was the justice of the peace and that she was the right person to elect because she helped the people during the Japanese occupation.

On election day, November 8, 1955, at about 10 a.m., respondent went to the precinct of Dumabato and saw Eufemia Gerardo, Violeta Marañon and Portia Santos distributing sample ballots. He asked for some and upon seeing that they were not for Marcelina Ganda but for her opponent, he grabbed many of the ballots, crumpled them and threw them to the ground. He even scolded the women and their grandfather.

The District Judge recommends that the respondent be suspended from office for one year. However, the Secretary of Justice believes that the nature of his acts calls for more than mere suspension, and recommends that he be removed from office or at least required to resign.

Wherefore, Mr. Jose V. Ylanan is hereby considered resigned from office as justice of the peace of Maddela, Nueva Vizcaya, effective upon receipt of a copy of this order.

Done in the City of Manila, this 7th day of November, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **NATALIO P. CASTILLO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 338

CONSIDERING MR. ROMEO L. VENTURANZA RESIGNED FROM OFFICE
AS JUSTICE OF THE PEACE OF PINAMALAYAN, ORIENTAL MINDORO.

There are two administrative cases (Nos. R-31 and R-32) filed by Dominador Telosa and Carmen M. Antonio, respectively, against Justice of the Peace Romeo L. Venturanza of Pinamalayan, Oriental Mindoro, one for partiality and the other for abuse of authority. The two cases were investigated jointly by the District Judge who recommends respondent's complete exoneration from the charges thereof. However, the Secretary of Justice disagrees as to the first case, and I concur with him.

Administrative Case No. R-31 was instituted by Dominador Telosa accusing the respondent of partiality for refusing to accept a criminal complaint filed by the complainant as offended party.

A stabbing affray that took place about six o'clock in the evening of October 29, 1958, at Barrio Baleta, Pinamalayan, Oriental Mindoro, culminated in the filing of Criminal Case No. 860 in respondent's court. The criminal complaint was filed on November 10, 1958, by Lazaro Baon, a rural policeman, charging Alberto Medran, Jovito Francisco and Dominador Telosa with the crime of assault upon an agent of a person in authority with physical injuries. The corresponding warrant of arrest was issued on the same date and the bail bond for each of the accused was aproved on November 19, 1958.

Sometime thereafter Dominador Telosa filed a criminal complaint (Exhibit B) for frustrated homicide against Lazaro Baon, Florentino Bolado and Vicente Baon. The complainant alleged that the accused inflicted upon him serious physical injuries with intent to kill in the same incident that gave rise to Criminal Case No. 860. This complaint (Exhibit B) was signed by Chief of Police Marcelo C. Diona and attached thereto were a medical certificate (Exhibit A) issued by Dr. P. S. de Joya, affidavits of several witnesses and a sworn statement of Lazaro Baon (Exhibit H). Exhibit A certifies that Dominador Telosa suffered two wound which required medical attendance for 5 days and 40 days, respectively, while Exhibit H contains an admission of Lazaro Baon that he was the one who inflicted physical injuries on Dominador Telosa with two bladed weapons. Respondent refused to accept Exhibit B on the ground that Chief of Police Diona, who signed the same, was not present to swear to it. When the same complaint was presented anew for filing by Chief of Police Dominador Sotto, after Chief Diona was suspended from office, respondent again refused to accept it, this time reasoning that the proper charge should be serious physical injuries as no intent to kill was present in the commission of the crime.

On January 27, 1959, respondent promulgated his decicion in Criminal Case No. 860. Alberto Medran and Jovito Francisco were convicted of slight physical injuries while Dominador Telosa was acquitted, as the latter merely tried to pacify Lazaro Baon during the incident.

It appears, however, that on the day before the aforesaid decision was promulgated, that is, on January 26, 1959, Dominador Telosa signed an affidavit (Exhibit 6) signifying his lack of interest to prosecute Lazaro Baon. Telosa testified that he was prevailed upon by respondent and the latter's brother, Atty. Salvador Venturanza, to execute that affidavit on the respondent's promise that he (Telosa) would be acquitted in Criminal Case No. 860.

From the evidence on record, it would seem that the reasons given by respondent for his refusal to accept the criminal complaint (Exhibit B) which Dominador Telosa tried to file against Lazaro Baon are flimsy. The complaint appeared proper and legal on its face as it was duly supported by affidavits of the witnesses, the written admission (Exhibit H) of Lazaro Baon of having inflicted wounds on Dominador Telosa and the medical certificate (Exhibit A) attesting to the gravity of those wounds. The mere fact that Chief of Police Marcelo Diona, who signed the complaint, was not present to swear to it was not a compelling ground to refuse its acceptance. He could have summoned the Chief of Police and have him swear to the complaint; or, since the offended party, Dominador Telosa, was present and preferring the complaint, he could have asked Telosa to sign the complaint and swear him then and there.

Even less justifiable was respondent's position in refusing to accept the same complaint when filed by Chief of Police Dominador Sotto on the alleged ground that the proper charge should be serious physical injuries. Intent to kill is specifically alleged in the complaint and respondent had neither reason nor authority to refuse its acceptance simply because his opinion of the offense committed by the accused is different from what the complaint actually charged. The duty of a justice of the peace during the preliminary investigation of a case is only to determine whether or not the evidence presented supports *prima facie* the allegations of fact contained in the complaint; he has no legal authority to determine the character of the crime (People vs. Gorospe, 53 Phil. 960). What is worse, the respondent in the instant case arbitrarily ignored the complaint even without questioning the witnesses who were brought before him.

The established facts unmistakable point to the conclusion that respondent tried all possible means to shield Lazaro Baon from the criminal complaint which Dominador Telosa vainly tried to file in this court. Obviously bent on settling the case between Telosa and Baon, and evidently believing that acceptance of Telosa's complaint would foil his plan, respondent not only placed all conceivable obstacles to the filing of said complaint but also promised Telosa's acquittal in Criminal Case No. 860 in exchange for his desistance from proceeding with his complaint against Lazaro Baon. Telosa's affidavit of desistance (Exhibit 6), it bears recalling, was executed and sworn to before the respondent on January 26, 1959, and it could hardly be merely coincidental that Telosa was acquitted the following day, January 27, 1959, when respondent promulgated his decision in Criminal Case No. 860.

From the foregoing, it can be seen that the respondent, abusing the powers of his office and completely ignoring his sworn duty to administer justice impartially, thwarted the course of justice by enabling Lazaro Baon to escape criminal prosecution despite the latter's admission of having inflicted physical injuries on Dominador Telosa, the complainant in this administrative case. By his acts, he has shown unfitness to remain in office as justice of the peace.

Wherefore, and in line with the recommendation of the Secretary of Justice, Mr. Romeo L. Venturanza is hereby considered resigned from office as justice of the peace of Pinamalayan, Oriental Mindoro, effective upon receipt of a copy of this order, without prejudice to reinstatement in another branch of the government service and to his leave and retirement privileges, if he is entitled thereto.

Done in the City of Manila, this 7th day of November, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 339

**AUTHORIZING THE FORTUNE INSURANCE AND SURETY COMPANY, INC.
TO BECOME A SURETY UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS
AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the FORTUNE INSURANCE AND SURETY COMPANY, INC. is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the FORTUNE INSURANCE AND SURETY COMPANY, INC. to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such condition as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 5th day of December, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 340
AUTHORIZING THE PHILIPPINE HOME ASSURANCE CORPORATION TO BECOME
A SURETY UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND
UNDERTAKINGS.

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the PHILIPPINE HOME ASSURANCE CORPORATION is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the PHILIPPINE HOME ASSURANCE CORPORATION to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 5th day of December, in the year of Our Lord, nineteen hundred and sixty, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1960). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 341
PROVIDING FOR SPEEDY IMPLEMENTATION OF THE PHILIPPINES-UNITED STATES
AGREEMENT KNOWN AS TEXTBOOK-PRODUCTION PROJECT (92-095).

By virtue of the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby issue the following instructions:

1. All government purchases of privately-authored basic textbooks in the elementary and high school, if such textbooks have been adopted by the Board of Textbooks through the regular competitive adoption procedures, shall be considered as having complied with the public bidding requirements prescribed in Executive Order No. 298, s. 1940, and may therefore be ordered from their respective publishers at prices approved by the Board on Textbooks.

2. Upon the recommendation of the Advisory Committee of the Textbook Printing Project, and upon approval of the Director of the Project and the Secretary of Education, the printing of the textbook manuscripts written by the staffs of the Bureau of Public Schools may be given to private printers through the method of public bidding (for the printing only) conducted by the Project Committee.

3. All purchases of textbook printing materials, so long as they are financed by the ICA under this agreement, may be handled directly by the Project Director upon the recommendation of the Advisory Committee of the Project.

4. The printing of textbooks by the Regional Service Center (c/o U.S. Embassy, Dewey Boulevard), upon the recommendation of the Advisory Committee, may be considered as emergency measures which can be given immediate approval in the same manner that printing jobs done at the Bureau of Printing are given approval.

Done in the City of Manila, this 12th day of January, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **NATALIO P. CASTILLO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 342

**AUTHORIZING THE CONSOLACION INSURANCE & SURETY COMPANY, INC.
TO BECOME A SURETY UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS
AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond, or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative, or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds, and undertakings; and

WHEREAS, the CONSOLACION INSURANCE & SURETY COMPANY, INC. is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the CONSOLACION INSURANCE & SURETY COMPANY, INC., to become surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 12th day of January, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 343
CONSIDERING MR. RAMON L. PAGUIA RESIGNED FROM OFFICE
AS SUGAR QUOTA ADMINISTRATOR.

This is an administrative case against Mr. Ramon L. Paguia, Sugar Quota Administrator, for alleged gross negligence, grave abuse of discretion and misconduct in office, filed by the Presidential Committee on Administration Performance Efficiency (PCAPE). The charges were investigated by a committee headed by retired Associate Justice Mariano de la Rosa of the Court of Appeals which found them duly proven.

I and II

It is alleged, under the first charge, that respondent “was grossly negligent in the performance of his duties for allowing overshipment of 23,518.20 tons of sugar in 1958; 17,515 short tons in 1959; and 13,783 short tons in 1960,” and, under the second, that he “committed a grave abuse of discretion when he granted the request of the Pampanga Sugar Mills and the Binalbagan Isabela Sugar Central to ship their ‘C’ sugar as a sort of advance shipment of ‘A’ sugar belonging to other legitimate quota holders without first securing their prior consent thereby causing prejudice to their interest.” As the charges refer to the same matter, they will be jointly considered.

Under the Laurel-Langley Agreement, the Philippines is allotted a quota of 952,000 short tons, commercial weight, in continental United States market for each calendar year, or from January 1 to December 31. Any excess thereto, except 3/4 of 1% for losses in weight and a tolerance of 5,000 tons, is shut out as an overshipment to the United States market. To ensure that only the fixed quota of 952,000 short tons shall enter the continental United States, it is provided that when the shipment of sugar from the Philippines during the year reaches 80% of the absolute quota, no further shipment can be authorized unless it is duly certified by the United States Department of Agriculture (USDA). The said quota of 952,000 short tons is allotted among the 23 mill districts for production and/or manufacture each crop year, and each mill district in turn allots its quota to the planters within its territorial jurisdiction. It is the concern of respondent’s office that the sugar shipment to the United States for each calendar year be not short by more than 10% of the quota, otherwise the export quota would be reduced by the corresponding deficiency in the total calendar year shipment.

To prevent the ruin of the sugar industry through excess production, Act No. 4166 (Sugar Limitation Law) defines the kind of sugar that should be produced – “A” sugar (centrifugal) and “AA” sugar (refined) for export to continental United States, “B” sugar (centrifugal) for local consumption and “C” sugar (centrifugal) as emergency reserve to make up any deficiency in “A” sugar or “B” sugar or for marketing elsewhere than in continental United States or the Philippines. “A” sugar is specifically classified to cover the absolute export quota to the United States.

During the year 1958, shipments from the Philippines to continental United States totaled 998,406.97 short tons of “A” sugar, exceeding the absolute quota by 46,406.97 short tons. In that

year, those successively in charge of the Sugar Quota Administration were Mr. V. G. Bunuan, until February 26; Mr. Arturo B. Soriano, until May 26; and respondent, who assumed office as administrator on May 26, 1958, and continued as such until his suspension in June 1960.

Out of said total shipment of "A" sugar of 998,406.97 short tons during the year 1958, Mr. Bunuan cleared 226,425.98 short tons, Mr. Soriano 379,458.72 short tons and respondent 392,522.27 short tons. Hence, up to May 26, 1958, respondent's predecessors had authorized a total shipment of 605,884.70 short tons of "A" sugar, which was still far to fill up the absolute quota, leaving an available margin for further shipment of 346,115.30 short tons. Respondent cleared 392,522.27 short tons which exceeds the available margin and the absolute quota by 46,406.97 short tons.

Of this excess respondent admits the total quantity of 23,518.20 short tons as shut-out for the calendar year 1958. There is no showing that in 1958, after the 80% of the absolute quota had been filled, further shipments were provided with the corresponding certificate from the USDA. Indications are that the shipments cleared by respondent were without any certificate, otherwise this excess or shut-out sugar in the year 1958 could have entered the continental United States.

Respondent's claim that he inherited from his predecessors' this excess or shut-out sugar is, under the circumstances, obviously untenable. The same can be said of his explanation that he allowed and cleared the over-shipments because they would redound to the benefit of the sugar planters and exporters. That was against the purpose and intent of the Sugar Limitation Act and the Laurel-Langley Agreement which limit and restrict the quantity of Philippine sugar that may enter the continental United States. He was supposed to follow said law and agreement under which the Sugar Quota Administration was organized and is operating, not his own will, choice, or whim.

The control book of respondent's office shows the daily movements of sugar. When he cleared the sugar shipments in excess of the absolute quota, he did it through gross negligence or in open disregard of the law, the agreement and regulations of his office.

In the case of Arca & Co., Inc., the Sugar Quota Administration approved on July 26 and August 5, 1959, the firm's applications for shipments of "A" sugar consisting of 9,500 long tons and 4,000 long tons, respectively, or 13,500 long tons in all. However, only 2,603.46 long tons were admitted as within the 1959 quota, the balance of 10,896.54 long tons having been declared off-quota. As a consequence the corporation was compelled to entrust the handling of the displaced sugar to its broker for a fee of \$149,000 and the Philippine Government lost over \$148,000 in dollar reserve. Had respondent been diligent in consulting his control book of sugar shipments to continental United States, before approving the Area applications, he should have known that the sugar shipments at that time already filled the absolute quota, or if some quantity remained to be filled, he should have required the certificate of the USDA before clearing the shipments. Respondent's actions in the premises caused not only great damage to the corporation but also to the dollar reserve of the Philippine Government.

The filling of the absolute export sugar quota for continental United States turned from bad in 1958 to worse in 1959, during which calendar year respondent authorize excess shipment of 120,216.81 short tons of sugar.

In the early part of 1960, the Binalbagan Isabela Sugar Milling Co. (BISCOM) and the Pampanga Sugar Mills (PASUMIL) applied with the respondent for shipment of "C" sugar to the United States. The milling season of all sugar centrals in the country was then still in full swing and the expectation was for a bountiful harvest, so much so that it would not only cover the "A" sugar quota of 952,000 short tons but that there might even be an excess. Despite these circumstances, respondent allowed the advance shipments of "C" sugar applied for by the BISCOM and the PASUMIL in the total quantities of 17,500 and 9,000 short tons, respectively, which were entered for the 1960 absolute quota.

On June 14 and 15, 1960, “A” sugar shipments on the *S/S Camerona* and the *S/S Glafkos* were also cleared by the respondent. Out of the total quantity of 11,547 short tons shipped on these steamers, the USDA declared 11,341 short tons as off-quota for this year. This would not have happened had it not been for the clearances granted by the respondent to the advance shipments of BISCOM and PASUMIL of “C” sugar. Aside from said 11,341 short tons declared off-quota, there remained stranded in the Philippines as of August 14, 1960, a total of 120,855 short tons of “A” sugar.

Under the law, as stated elsewhere, “C” sugar is to be held as emergency reserve to make up any deficiency in “A” or “B” sugar or for marketing outside continental United States and the Philippines. When respondent allowed the shipment of “C” sugar applied for by the BISCOM and the PASUMIL, there was neither actual nor expected deficiency in “A” sugar to be filled by “C” sugar. Indeed on August 14, 1960, there were stranded in the Philippines 120,855 short tons of “A” sugar. Moreover, respondent did not obtain the approval of the Secretary of Commerce and Industry to the conversion of “C” sugar to “A” sugar in the shipments involved as provided in respondent’s own Sugar Order No. 1, dated October 1, 1959.

Respondent says that in permitting the shipment of “C” sugar by the BISCOM and the PASUMIL, he saved them from incurring big losses as they had no “A” sugar to load on certain ships that were then coming, because of which they asked for an advance shipment of “C” sugar in lieu of “A” sugar. This only shows that while he displayed deep concern for the business of said corporations, yet he was unmindful of the rights and interests of the planters and exporters of legitimate “A” sugar. Consequently, the “A” sugar shipments on the *Camerona* and *Glafkos* were shut out from the absolute quota for the calendar year 1960. This is aside from the 120,855 short tons of “A” sugar stranded in the Philippines as of August 14, 1960.

Luckily, the disturbance in Cuba eventually came to remedy the plight of our sugar planters and exporters. But this does not wipe out the irregularities and anomalies committed by the respondent in granting the applications of the BISCOM and the PASUMIL for advance shipments of “C” sugar, which involved flagrant violations of the Sugar Limitations Law, the Laurel-Langley Agreement, and the Philippine Sugar Order No. 1, dated October 1, 1959, and which are penalized under section 16 of Act No. 4166 by a “fine of not more than six thousand pesos or by imprisonment for not more than three years, or both, in the discretion of the court.”

III

Finally, respondent is charged with misconduct in office for supposedly participating in a prohibited game in the house of a certain sugar magnate with whom he had official dealings.

Respondent admits having taken part, as a social gesture, in the *monte* game in the house of the sugar magnate on the occasion of the latter’s birthday, to which he was invited. He explains that he was induced to participate in the game by the ladies gathered there to raise funds for the construction of a town chapel.

The game of *monte* is a crime penalized under the Revised Penal Code. It involves moral turpitude and is a cause for removal under Republic Act No. 2260 and the civil service rules.

For all the foregoing, I find the respondent guilty of the three charges filed against him in accordance with the recommendation, by unanimous vote, of the Presidential Investigating Committee headed by former Justice Mariano de la Rosa. However, the damages and other prejudicial effects to legitimate quota holders resulting from the acts of the respondent had been more or less repaired because of the rupture of economic ties between the United States and Cuba.

Wherefore, Mr. Ramon L. Pagua is hereby considered resigned from his office as Sugar Quota Administrator, effective as of the date of his preventive suspension.

Done in the City of Manila, this 30th day of January, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **NATALIO P. CASTILLO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 344

**AUTHORIZING THE MABUHAY INSURANCE AND GUARANTY COMPANY, INC.
TO BECOME A SURETY UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS
AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the MABUHAY INSURANCE AND GUARANTY COMPANY, INC. is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the MABUHAY INSURANCE AND GUARANTY COMPANY, INC. to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time exceed its admitted assets.

Done in the City of Manila, this 22nd day of February, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 345
AUTHORIZING THE HOUSE OF INSURANCE, INC. TO BECOME A SURETY UPON OFFICIAL
RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds, and undertakings; and

WHEREAS, the HOUSE OF INSURANCE, INC. is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the HOUSE OF INSURANCE, INC., to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the conditions that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 24th day of February, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 346
GRANTING FULL AND PLENARY PARDON TO PEDRO TOCMO,
FORMER SERGEANT, ARMED FORCES OF THE PHILIPPINES.

Pedro Tocmo, who was dishonorably discharged from the service as sergeant, Armed Forces of the Philippines, in 1955 for violation of the 95th Article of War, is hereby granted full and plenary pardon.

Done in the City of Manila, this 1st day of April, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 347

AUTHORIZING THE CENTRAL BANK OF THE PHILIPPINES TO ACT AS DEPOSITORY
TO RECEIVE AND HOLD NOTES FOR THE ACCOUNT OF AND SUBJECT TO THE ORDER
OF THE INTERNATIONAL DEVELOPMENT ASSOCIATION (IDA).

WHEREAS, pursuant to the provisions of Republic Act No. 2687, the Republic of the Philippines has decided to become a member of the international Development Association (IDA);

WHEREAS, the International Development Association requires evidence of the Central Bank's authority from the Philippine Government to act as depository for said Association;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the Central Bank of the Philippines to act as depository to receive and hold notes for the account of and subject to the order of the International Development Association (IDA).

Done in the City of Manila, this 26th day of April, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **NATALIO P. CASTILLO**

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 348

**AUTHORIZING THE INSURANCE COMPANY OF COMMERCE AND INDUSTRY, INC.
TO BECOME A SURETY UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS
AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the INSURANCE COMPANY OF COMMERCE AND INDUSTRY, INC. is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the INSURANCE COMPANY OF COMMERCE AND INDUSTRY, INC. to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 2nd day of May, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 349

CREATING A NATIONAL COMMITTEE TO TAKE CHARGE OF THE FIFTEENTH
ANNIVERSARY CELEBRATION OF THE REPUBLIC OF THE PHILIPPINES ON JULY 4, 1961.

Pursuant to the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby create a National Committee to formulate plans and devise ways and means and prepare the program for a fitting celebration of the fifteenth Anniversary of Philippine Independence next July 4, 1961.

The Committee shall be composed of the following:

The Secretary of Education.....	Chairman
The Secretary of National Defense	Vice-Chairman
The Secretary of Labor	Member
The Secretary of Health	"
The Administrator of Economic Coordination	"
The Commissioner on Tourism.....	"
The Malacañang Press Secretary.....	"
The Governor, Central Bank of the Philippines.....	"
The Chairman, Development Bank of the Philippines	"
The President, Philippine National Bank	"
The President, Philippine Association of Colleges and Universities (PACU)	"
The National Commander, Veterans Federation of the Philippines.....	"
The President, Chamber of Commerce of the Philippines.....	"
The President, Philippine Chamber of Industries	"
The President, Chamber of Agriculture and Natural Resources	"
The President, Bankers Association of the Philippines	"
The President, Manila Rotary Club	"
The President, Manila Junior Chamber of Commerce	"
The President, Lions Club of Manila	"
The President, National Press Club of the Philippines	"
The President, Civic Assembly of Women of the Philippines.....	"
The Cabinet Secretary, Malacañang.....	Member-Secretary

The Committee shall meet at the call of the Chairman and, for the purpose of discharging its functions, may create such sub-committees as may be necessary.

Done in the City of Manila, this 12th day of May, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 350
AUTHORIZING THE FILIPINO MERCHANTS' INSURANCE CO., INC.
TO BECOME A SURETY UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS,
AND UNDERTAKINGS.

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified, is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations bonds and undertakings; and

WHEREAS, the FILIPINO MERCHANTS' INSURANCE CO., INC. is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the FILIPINO MERCHANTS' INSURANCE CO., INC. to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 18th day of May, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 351
AUTHORIZING THE COMMUNICATIONS INSURANCE CO., INC., TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.

WHEREAS, Section 1 of Act. No. 536, as amended by No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority.

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the COMMUNICATIONS INSURANCE COMPANY, INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the COMMUNICATIONS INSURANCE COMPANY, INC., to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 31st day of May, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 352

**AUTHORIZING THE SOUTHEAST INSURANCE COMPANY, INC. TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the SOUTHEAST INSURANCE COMPANY, INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the SOUTHEAST INSURANCE COMPANY, INC. to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 1st day of June, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 353
SUSPENDING THE EFFECTIVITY OF ADMINISTRATIVE ORDER NO. 164,
DATED AUGUST 24, 1951.

By virtue of the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby suspend the effectivity of Administrative Order No. 164, dated August 24, 1951, authorizing the Union Surety and Insurance Co., Inc., to become a surety upon official recognizances, stipulations, bonds and undertakings, it appearing that said company is indebted to the Government in the amount of ₱2,700,000.00 representing unpaid obligations under surety bonds offered by it and forfeited to the Government for non-fulfillment of the obligations contracted thereunder.

The Union Surety and Insurance Co., Inc. is hereby given sixty (60) days from receipt of copy of this Order within which to submit an explanation for its failure to make good its obligation to the Government and/or to liquidate its obligations. If it fails to comply with this condition, its authority to act as surety shall be revoked.

Done in the City of Manila, this 6th day of June, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) NATALIO P. CASTILLO
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 354
CONSIDERING MR. MARIANO T. BARCELO AS HAVING RESIGNED AS JUSTICE
OF THE PEACE OF TUMAUNINI, ISABELA.

This is an administrative case instituted by the municipal council of Tumaunini, Isabela, against Mr. Mariano T. Barcelo, justice of the peace thereof, for dereliction of duty and acts indicating mental deficiency. Respondent denied the charges in his answer but neither presented any evidence nor appeared at the formal investigation conducted by the District Judge, although he was represented on the first and main day of the hearing by counsel who cross-examined at length the witnesses against the respondent. In his report the Judge finds the respondent guilty of dereliction of duty and recommends that he be required to stay in the National Mental Hospital for observation and if he refuses, that he be directed to apply for retirement.

The following facts are duly established by the evidence on record:

1. Francisca Soriano filed a complaint for threats against Jose Jaime with the chief of police of Tumaunini, Isabela. When she and her witness appeared before the respondent to swear to their written statements (Exhs. B and C), respondent refused to take their oath for no reason whatsoever. Due to this refusal of the respondent, the complaint could not be filed by the chief of police.

2. On May 7, 1957, respondent refused to accept a criminal complaint filed by the same chief of police against Magno Abban for frustrated homicide, saying that he was already a judge of first instance and that the justice of the peace of Tumaunini, Isabela, was a certain Attorney Madamba to whom he referred the chief of police. Again because of this conduct of the respondent, the chief of police could not file the complaint.

3. On June 1, 1957, the same chief of police tried to file a criminal complaint for frustrated homicide against Agapito Sadora. Respondent again refused to accept the complaint on the ground that it could be signed by the provincial governor. He even chided the chief of police for his insistence and ordered him to go home. The chief of police thereafter reported the matter to the provincial fiscal of Isabela who filed the criminal action.

4. Sometime in February 1957 a bail bond for the provisional liberty of Antonio Domingo, who was then detained in the municipal jail of Tumaunini on a charge of simple seduction pending before the justice of the peace court of Sarrat, Ilocos Norte, was presented to the respondent for approval. This he refused to do, alleging that the order of the justice of the peace of Sarrat authorizing acceptance of the undertaking did not bear the dry seal of the court but only his "dry seal as notary public ex officio." A brother of the accused had to rush to Sarrat and when he returned with the proper stamp on the order as required by the respondent, still the latter refused to accept the bond, thereby causing the accused to stay further in jail until the justice of the peace of Cabagan, Isabela, was detailed to act in Tumaunini in the absence of the respondent and approved the bond.

As regards the alleged mental defect of the respondent the investigating Judge found as follows:

“(d) That Mayor Ferrer declared that respondent was suffering from mental ailment. One day in the month of May, 1957, respondent got the jeep of Alberto Ng Ignacio of Tumauni and with his (respondent’s) small son at his side on the front seat, he drove the jeep around for the whole day in the centro of the poblacion, running over piles of gravel and crossing street canals, thereby exposing himself to public ridicule. A couple of weeks before the hearing of this administrative complaint, respondent drove away his wife, Nena Salazar, from the conjugal home due to unfounded jealousy. His wife had to stay in the house of his father-in-law for about one month. Respondent during his state of feeble-mindedness used to say that one of his sons is the illegitimate son of his wife with his father-in-law, and that his two daughters were the illegitimate daughters of his wife with his two brothers-in-law. Mayor Ferrer further declared that respondent used to carry ‘bayong’ (buri bag), took some goods from a certain store in Ilagan without paying for them, but due perhaps to some mental disturbances he would say he had already paid for them; that as a consequence of this incident he nearly got into a trouble with the store owner were it not for the timely intervention of Vice-Mayor Cruz of Ilagan. There was an occasion when respondent was about to take a bath in his house with his coat on. Mayor Ferrer said respondent used to drink wine and get drunk in some stores in the poblacion of Tumauni. Because respondent’s wife could no longer bear to witness the unnatural and queer acts of her husband and because he often hurled vulgar words against her, she went one day to the Office of the Provincial Fiscal of Isabela for the purpose of asking the Fiscal if she could file a complaint against her husband for abandonment.”

In this connection, it appears that in a letter to the Department of Justice, dated June 26, 1957, the Assistant to the Director of the National Bureau of Investigation, Atty. Mariano Almeda, recommended the mental examination of the respondent to determine his fitness for continued service. Attorney Almeda stated that the respondent’s “remarks in the course of conversations with him are not intelligent and coherent and leads to the unmistakable conclusion that he is suffering from a mental disease.”

I agree with the Secretary of Justice that there is no necessity of the respondent’s mental examination as suggested by Attorney Almeda and the investigating Judge. The acts attributed to him and established during the formal investigation, such as those referring to his unjustified refusal to discharge his duties, clearly indicate his unfitness to continue in office as justice of the peace. His state of mind at the time thereof is immaterial for the purpose of the instant proceeding. As it could indeed be possible that his actuations were caused by some kind of mental imbalance, I am inclined to view his case with some leniency.

WHEREFORE, Mr. Mariano T. Barcelo is hereby considered as having resigned from office as justice of the peace of Tumauni, Isabela, effective upon receipt of a copy of this order, without prejudice to receiving whatever benefits he may be entitled to under the law.

Done in the City of Manila, this 20th day of June, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **NATALIO P. CASTILLO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 355
REMOVING MR. QUINCIANO D. VAILOCES FROM OFFICE AS JUSTICE
OF THE PEACE OF BAIS AND MANJUYOD, ORIENTAL NEGROS.

This is an administrative case against Mr. Quinciano D. Vailoces, suspended justice of the peace of Bais and Manjuyod, Oriental Negros, based on an information for falsification of a public document in connection with the alleged execution of the last will and testament of a certain person, filed against him and three others by the Acting Provincial Fiscal of Negros Oriental, alleging:

“That on or about the 14th day of December, 1950, in the Municipality of Payabon, Province of Negros Oriental, Philippines, and within the jurisdiction of this Court, the accused Quinciano Vailoces, availing himself of his position as notary public in and for the province of Negros Oriental, and the 3 other accused, Carlos Academia, Narciso Oracoy and Glicerio Carriaga, conspiring and confederating together and helping one another, did then and there, wilfully, unlawfully, and feloniously prepare and sign a public document which purports to be the last will and testament of one Tarcila Visitacion, stating and making it appear that the same was executed and signed by said Tarcila Visitacion and that the latter appeared before notary public Quinciano Vailoces and acknowledged the document to be her free and voluntary act and deed, when in truth and in fact, as the said 4 accused well knew, Tarcila Visitacion never executed and signed the document purporting to be her last will and testament in their presence, nor did each of them sign and attest the same in the presence of the said Tarcila Visitacion and of one another.”

At the hearing of the administrative case, both the complaining witness, Ledesma de Jesus-Paras, and the respondent agreed to submit the case on the evidence to be presented in the criminal proceeding. The respondent and his coaccused in the criminal case were subsequently convicted in the Court of First Instance, and upon appeal, the sentence as to the respondent was affirmed by the Court of Appeals in a decision which became final on July 15, 1958.

After a careful review of the administrative aspect of the case, the Secretary of Justice and I agree with the District Judge in finding the respondent guilty of having falsified a public document and in his recommendation that respondent be dismissed for dishonesty effective as of the date of his suspension.

Wherefore, Mr. Quinciano D. Vailoces is hereby removed from office as justice of the peace of Bais and Manjuyod, Oriental Negros, effective as of the date of his preventive suspension.

Done in the City of Manila, this 20th day of June, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 356
REMOVING MR. MODESTO CARIÑO FROM OFFICE AS JUSTICE OF THE PEACE
OF SISON, PANGASINAN.

This is an administrative case filed by Alipio Migallon against Justice of the Peace Modesto Cariño of Sison, Pangasinan, for (1) partiality, (2) laxity in admitting criminal complaints and (3) ignorance of the law. The case was investigated by the district judge who found respondent guilty as charged and recommended his suspension without pay for ninety (90) days.

Charge No. 1 – Partiality

Complainant alleges that in Civil Case No. 49 filed against him by Sixto Cadiente the respondent declared him in default although he appeared on the date set for trial, October 14, 1957, when he was informed that the hearing had been postponed upon his lawyer's request. Respondent denies complainant's presence on said date but admits receiving a telegram for postponement from his lawyer in the morning. I am, however, inclined to believe complainant whose appearance in court on the date in question was corroborated not only by Marcelino Gonzales, his companion, but also by the chief of police.

Other actuations of respondent in the same case support the charge of partiality against him. For instance, he issued a writ of preliminary attachment against complainant's personal properties upon a bond of only ₱500 filed by plaintiff whose claim amounted to ₱1,955, exclusive of attorney's fees and costs. However, to discharge the attachment, respondent required of complainant a counterbond of ₱2,000 although the properties attached were appraised at only ₱1,200.

Moreover, when the plaintiff filed a petition alleging that complainant's wife and son had uttered unsavory remarks and scandalous words against the deputy sheriff who served the writ of execution, respondent immediately cited complainant's kin for contempt of court despite the fact that the petition was not even supported by the affidavit of the deputy sheriff concerned.

Charges Nos. 2 and 3 – Laxity in accepting criminal complaints and ignorance of the law.

On October 14, 1957, complainant herein was accused of violation of the medical law. Sixto Cadiente, the plaintiff in Civil Case No. 49, was one of the complaining witnesses. Respondent docketed the complaint as Criminal Case No. 354 on the same day and issued a warrant of arrest but subsequently dismissed the case on a motion to quash. Marcelino Gonzales, complainant's witness, testified that he was in respondent's office on that day and that the private prosecutor prepared and typed in said office the criminal complaint, the supporting affidavits and the warrant of arrest. This testimony is corroborated by the chief of police who admitted that he did not prepare the complaint which he signed or its supporting affidavits.

Respondent claims that he conducted a preliminary investigation in writing independently of the affidavits presented in support of the complaint, but no record of such investigation appears in evidence. The absence of such record tends to support the testimony of the complainant's witness that there was no preliminary investigation conducted by the respondent before ordering the arrest of the accused on the same morning that the complaint was filed. Considering that, as respondent himself admits, he had some doubt as to the nature of the offense charged, he should at least have taken more time to study the case before issuing the warrant of arrest. Not only did respondent show undue haste in issuing the warrant but he did not even see to it that said warrant was returned to him after the arrest of the accused, as a result of which the warrant is not included in the record of the case.

After issuing the warrant of arrest, respondent issued, on petition of the private prosecutor, a subpoena duces tecum requiring the accused (complainant herein) to bring to court certain books and documents which could be used as evidence against him in the case. This shows that respondent issued the warrant of arrest without satisfying himself that there was a *prima facie* case against the accused. Worse, he tried to compel the accused to be a witness against himself.

On October 19, 1957, barely five days after Criminal Case No. 354 was docketed, another criminal complaint was filed by the same Sixto Cadiente against herein complainant for falsification of public documents which consisted of the labels placed by the accused on the bottles of his pharmaceutical products. Respondent docketed the complaint as Criminal Case No. 358 on the same day and forthwith issued a warrant of arrest. As in Criminal Case No. 354, respondent granted the motion to quash the complaint on the ground that the facts alleged therein did not constitute the offense charged. Respondent's acts reveal not only his laxity in accepting criminal complaints but also his inexcusable ignorance of the law in considering labels of manufactured goods as public documents.

Subsequently, or on December 30, 1957, a third criminal complaint was filed against herein complainant and his sons for attempted murder, with the same Sixto Cadiente as principal prosecution witness. Although this day was a holiday, respondent docketed the complaint as Criminal Case No. 370 and swore the prosecution witnesses on their affidavits in his house in Manaoag, Pangasinan, or outside his territorial jurisdiction. On the following day, also a holiday, he issued a warrant of arrest.

Respondent's claim that he conducted a preliminary investigation on December 31, 1957, before issuing the warrant of arrest, is again belied by the absence of any record thereof. The affidavits supporting the complaint cannot be considered as the record of his investigation, as they were already prepared when the complaint was filed on December 30, 1957.

Again as in Criminal Case No. 354, respondent failed to conduct the preliminary investigation required by law prior to issuing the warrant of arrest in Criminal Case No. 370, notwithstanding the fact that this was the third criminal complaint filed against the herein complainant within a period of less than two months, with Sixto Cadiente as either complainant or principal witness, aside from the civil case between him and said complainant.

In view of all the foregoing, I agree with the district judge in finding the respondent guilty as charged. However, I do not agree with his recommendation that the respondent be suspended from office for only three (3) months. For all the harassment suffered by the complainant who, in the brief span of two months, had to incur expenses and undergo untold inconveniences in procuring bail bands for his provisional release in the three criminal cases filed by or at the instance of Sixto Cadiente and hastily given due course by the respondent through either laxity or sheer ignorance of the laws supposedly violated, if not indeed in unholy collusion with Cadiente, respondent should not be allowed to continue in office.

Wherefore, and upon the recommendation of the Secretary of Justice, Mr. Modesto Cariño is hereby removed from office as justice of the peace of Sison, Pangasinan, effective upon receipt of a copy of this order.

Done in the City of Manila, this 20th day of June, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **NATALIO P. CASTILLO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 357

**CREATING A COMMITTEE TO TAKE CHARGE OF ALL ARRANGEMENTS CONNECTED
WITH THE FORTHCOMING VISIT OF GENERAL OF THE ARMY DOUGLAS MACARTHUR.**

By virtue of the power vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby create a committee to take charge of all arrangements connected with the forthcoming visit of General of the Army Douglas MacArthur, including his reception, stay and departure. The committee shall be composed of the following:

Hon. Felixberto Serrano	Chairman
Hon. Alejo Santos	Vice-Chairman
Hon. Jose E. Romero	Member
Hon. Angel Castaño.....	"
Hon. Enrique C. Quema	"
Hon. Marciano Bautista	"
Hon. Jose Briones	"
Hon. Conrado Estrella.....	"
Hon. Jose C. Zulueta	"
Hon. Ildefonso Cinco.....	"
Lt. General Manuel Cabal	"
Brig. General Dionisio Ojeda (Ret.).....	"
Minister Pedro Angara-Aragon.....	"
Don Andres Soriano	"
Mr. B. F. Edwards.....	"
Minister Manuel G. Zamora	Member-Secretary

The committee shall be responsible for the planning, coordination and smooth execution of all arrangements that will be made in connection with the said visit.

The committee is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the government, including government-owned or controlled corporations, for such assistance as it may need in discharging its duties and functions.

Done in the City of Manila, this 26th day of June, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the fifteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 358

**AUTHORIZING THE BELFAST SURETY & INSURANCE CO., INC., TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the BELFAST SURETY & INSURANCE CO., INC. is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the BELFAST SURETY & INSURANCE CO., INC. to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 7th day of July, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 359

PROHIBITING PUBLIC OFFICERS AND EMPLOYEES FROM ENTERING INTO CERTAIN KINDS OF OFFICIAL TRANSACTION OR DEALING WITH THE SPOUSES AND RELATIVES OF THE PRESIDENT, THE VICE-PRESIDENT, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law and pursuant to the provisions of section 5 of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, and subject to the exceptions therein provided, do hereby prohibit all officers and employees of the Government who are holding positions of trust and responsibility from dealing directly or indirectly with any of the spouses or relatives, by consanguinity or affinity within the third civil degree, of the President of the Philippines, the Vice-President of the Philippines, the President of the Senate, or the Speaker of the House of Representatives, in any business, transaction, contract or application with the Government or any other matter callings for action or decision by such officers or employees.

Any officer or employee of the Government, including those of the corporations-owned and controlled by the same, violating this order shall be dealt with accordingly.

Done in the City of Manila, this 20th day of July, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 360

**AUTHORIZING THE FIRST CONTINENTAL ASSURANCE CO., INC. TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions or public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the FIRST CONTINENTAL ASSURANCE CO., INC. is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the FIRST CONTINENTAL ASSURANCE CO., INC. to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not at any time exceed its admitted assets.

Done in the City of Manila, this 31st day of July, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 361

CONSIDERING MR. MELECIO E. BOÑGOLAN RESIGN FROM OFFICE AS JUSTICE
OF THE PEACE OF URDANETA, PANGASINAN.

This is an administrative case filed by Atty. Jose de la Cruz against Justice of the Peace Melecio E. Boñgolan of Urdaneta, Pangasinan, for oppression and abuse of authority, partiality and partisanship, gross ignorance or wilful disregard of the law, and inefficiency and dereliction of duty. The case was investigated by the district judge.

It appears that Criminal Case No. 1239 of respondent's court against Benito Castillo for qualified theft was set for hearing in the afternoon of September 26, 1957. On September 24, 1957, the trial was reset for October 1, 1957, the parties being duly notified thereof. However, in the afternoon of September 26, 1957, respondent called the case for trial and, seeing that the witnesses for the prosecution were absent, dismissed the case. Respondent tried to justify his act by the fact that the accused was under detention. But apparently realizing the patent arbitrariness of his act and to either cure it or camouflage his motive, he ordered the filing of another case against the accused for the same offense, which was, however, a futile gesture as the accused was nowhere to be located.

Respondent clearly made a mockery of justice in dismissing the case under the circumstances. Having informed the offended party that the trial would be held on October 1, 1957, instead of September 26, 1957, he should not expect the former and his witnesses to be in court on September 26, 1957. Yet the respondent, with grave abuse of authority and in utter disregard of his sworn duty to administer justice impartially, called the case for trial on said date and dismissed it when the offended party and his witnesses were, as to be expected, not present. This supports the claim that respondent hastily dismissed the case because he had the same political persuasion as counsel for the accused, Atty. Dionisio Ramirez.

In Criminal Case No. 1353, Diosdado Caoagdan was accused of less serious physical injuries upon the complaint of Florida Andaya. After the prosecution had rested its case, respondent dismissed the case upon a demurrer to the evidence by the defense. Respondent's explanation that the offended party failed to show how and by whom she was wounded is belied by the latter who recalled testifying on how she was wounded by the accused. Even the doctor who treated her injuries testified for the prosecution. It appears that the counsel for the accused in this case was the same Attorney Ramirez, who represented the defendant in Criminal Case No. 1239. Respondent's conduct in this case confirms the claim that dismissing a criminal case upon a demurrer to the evidence is a practice conveniently adopted by the respondent in cases where the accused himself or his counsel has found favor in his eyes. The case being criminal, review of his actuations by a higher court is barred by the law on double jeopardy.

Criminal Case No. 1118 against Eusebio Bernalles was originally for less serious physical injuries. The accused pleaded not guilty upon arraignment but when the case was called for trial the Assistant Provincial Fiscal begged leave to amend the complaint to serious physical injuries, which was opposed by the defense. At that stage respondent motu proprio dismissed the case and ordered the filing of a

new one charging the accused with serious physical injuries, which was done. Whereupon the defense filed a motion to quash on the ground of double jeopardy. The motion having been denied by the respondent, the matter was elevated by certiorari to the Court of First Instance of Pangasinan which finally dismissed the case on the ground that the new complaint would place the accused in double jeopardy. Bernales thus escaped prosecution by reason of a technicality.

There is no question that respondent either feigned ignorance of the law on double jeopardy in order to favor the accused or was really ignorant of the same, thus lending himself as an instrument for a gross miscarriage of justice. Granting, as he claims, that the prosecution would not proceed unless the complaint was amended and that the defense had opposed such amendment, respondent ought to know that dismissal of a criminal case after arraignment without the express consent of the accused would bar the latter's prosecution for the same or identical offense under the principle of double jeopardy.

Regarding Criminal Case No. 1060 for slight physical injuries, it appears that respondent allowed the case to drag on for nearly two years until he inhibited himself upon the institution of this administrative proceeding. The unusual delay was due to no less than twenty postponements, clearly attesting to respondent's inefficiency. In Civil Case No. 193 the hearing thereof scheduled on January 28, 1958, was postponed by respondent to August 29, 1958, a period of seven months. His conduct could not even approximate substantial compliance with the mandate of section 9 of Rule 4 of the Rules of Court that inferior courts "shall not have power to adjourn hearing for a longer period than five days for each adjournment, nor for more than fifteen days in all."

Upon a general evaluation of the various acts committed by the respondent, ranging from abuse of authority, partiality and gross ignorance of the law to rank inefficiency, I cannot reconcile myself to allowing him to continue in office.

Wherefore, and upon the recommendation of the Secretary of Justice and the district judge, Mr. Melecio E. Boñgolan is hereby considered resigned from office as justice of the peace of Urdaneta, Pangasinan, effective on receipt of a copy of this order.

Done in the City of Manila, this 31st day of July, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) CARLOS P. GARCIA

By the President:

(Sgd.) NATALIO P. CASTILLO

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 362

CONSIDERING MR. MARIANO LEDESMA RESIGNED FROM OFFICE AS DIRECTOR
OF PRINTING

This is an administrative case against Mr. Mariano Ledesma, Director of Printing, who is charged with dishonesty, incompetence, gross negligence, mismanagement and acts prejudicial to the public service, consisting more particularly of the following acts: (1) overstocking, (2) overpricing, (3) irregular requisition of printing papers for election ballots which were used only for market cash receipts, (4) permitting and/or insisting on acceptance of deliveries of goods not as requisitioned, (5) failure to use enormous stock on hand or to dispose of the same if of no use, (6) failure to take a regular inventory of stocks and (7) incurring a huge overdraft.

The charges were investigated by a committee of three headed by the Undersecretary of Justice which found the respondent guilty of mismanagement, gross negligence and incompetence in connection with the specific acts of overpricing and overstocking. After a careful review of the records, I agree with the findings of the investigating body.

I. OVERSTOCKING

A. White Writing Paper

It appears that on November 4 and 20 and December 3, 1959, during the incumbency of respondent, the Bureau of Printing requisitioned and received three quantities of white writing paper, 22" x 24", 32 lbs., of 2,000 reams each at a cost of ₱41,600 for each order. From November 4, 1959, to March 14, 1960, when an inventory was taken of the supplies and materials in the Bureau, only 800 reams of the paper ordered were issued or consumed. At this rate of consumption, the Bureau will take almost 3 years to consume the 6,000 reams which were requisitioned within a period of less than one month.

B. Ledger Buff

On July 10 and November 3, 1959, the Bureau ordered two quantities of 300 reams each of ledger buff, 28" x 34", 61 lbs., which were delivered on October 19 and November 6, 1959, respectively. From October 19, 1959, the date of the first delivery, to October 16, 1960, when the investigating committee conducted an ocular inspection of the Bureau's warehouses, only 20 reams had been withdrawn from the 600 reams in stock. On the average consumption of 20 reams a year, it will take the Bureau 30 years to consume said 600 reams.

The Bureau of Printing also issued requisitions on February 25 and July 9, 1959, for 300 reams each and Requisition No. 408550 for 500 reams of the same ledger buff, weighing 71 lbs., which were delivered on June 1 and August 7, 1959, and February 1, 1960, respectively. From June 1, 1959, to October 16, 1960, only 40 reams had been withdrawn. Hence, assuming the Bureau's average consumption to be 30 reams a year; it will take that office more than 35 years to consume the 1,100

reams covered by the three requisitions. It will also take the same period of time to consume 600 reams of ledger buff, 81 lbs., ordered under two requisitions dated July 10 and November 3, 1959, at an annual rate of 17 reams, the quantity consumed from October 19, 1959, when the first delivery was made, to October 26, 1960.

C. Envelope

On March 13, 1959, the Bureau requisitioned 1,500,000 pieces of envelope, No. 6, 6-1/2" × 3-5/3", at a total cost of ₱10,080, which were delivered on August 10, 1959. At the time the Bureau had in stock 700,000 pieces of the same kind of envelope. As of October 31, 1960, or more than a year later, not one envelope ordered on March 13, 1959, had been issued. The same thing is true as regards the two requisitions for 100,000 pieces each of golden kraft envelopes, 12" × 9-1/2" costing ₱4,820 each order, made on September 22 and December 11, 1959, and the 100,000 pieces each of envelope, golden kraft, 10-1/2" × 7", acquired under the same requisition dated September 22 and December 11, 1960, costing ₱2,895 each order.

D. Bookcloth

On September 28 and November 6, 1959, two requisitions for 4,000 yards each of bookcloth, flesh color, costing ₱34,000 each order, were issued by the Bureau, deliveries of which were made on November 9, and November 3 and 16, 1959, respectively. From November 9, 1959, when delivery of the first order was made, to October 16, 1960, only 840 yards had been withdrawn. Assuming the average annual consumption of this bookcloth to be 840 yards, it will take the Bureau almost 10 years to consume the 8,000 yards covered by the two requisitions.

Under requisitions dated April 14, November 18 and December 28, 1959, bookcloth, light brown color, in quantities of 3,000 yards, 2,000 yards and 2,000 yards and costing ₱18,750, ₱12,000 and ₱12,000, respectively, was ordered by the Bureau and delivered to it on November 25, December 1, 1959, and January 27 and 28, 1960, respectively. From November 25, 1959, when the first delivery was made, to October 16, 1960, only 600 yards had been withdrawn from the stock. At the rate of consumption of 600 yards annually, it will take the Bureau more than 10 years to consume the 7,000 yards covered by the three requisitions.

The same requisition dated November 18, 1959, called for 2,000 yards of bookcloth, Russian green color, at a total cost of ₱12,000, which were delivered to the Bureau on November 27 and December 1, 1959. Bookcloth of the same quantity, color and cost was also requisitioned on February 25, 1960. From the last week of November, 1959, when first delivery of bookcloth herein treated was made, to October 16, 1960, only 300 yards had been withdrawn from the stock consisting of deliveries under the first requisition. Assuming that 300 yards is the Bureau's average annual consumption of this kind of bookcloth, it will take more than 6 years to consume the 2,000 yards covered by said requisition. Yet, on February 25, 1960, respondent again approved the purchase of another 2,000 yards of the same kind of bookcloth. Fortunately, said requisition was cancelled by the Department of General Services while it was pending in the Bureau of Supply Coordination.

Other bookcloth of different colors was likewise ordered by and delivered to the Bureau. That with light blue color would take more than 5 years to consume. As to the remaining two others, no issue had been made as of October 16, 1960.

E. Glue

On January 19, 1959, respondent approved requisition No. A-54327 for 5,000 lbs. of glue at a total cost of ₱7,500, although the Bureau then had in stock 2,789 lbs. of the same kind of glue

purchased years before. Less than two months later, he again approved another requisition for 5,000 lbs. of the same kind of glue. As of March 14, 1960, the glue covered by the first requisition had not been touched while 632 lbs. still remained of the glue covered by the other requisition.

Within a month of each other, respondent approved two requisitions for a total of 7,500 lbs. of binder's powdered glue at a total cost of ₱25,800. Yet, as of March 14, 1960, not a single pound of this special kind of glue covered by the two requisitions had been used by the Bureau.

F. Metal Fasteners

On June 1, 1959, 500 sets of metal fasteners, 24" x 12", costing ₱3,725, were delivered to the Bureau pursuant to a requisition dated September 10, 1958. From June 1, 1959, to October 31, 1960, only 15 sets had been used. However, on December 7, 1959, respondent approved another requisition for 1,000 sets of the same kind of metal fasteners.

Similarly, on December 7, 1959, respondent approved a requisition for metal fasteners consisting of 1,000 sets 19" x 12" and 1,000 sets 20" x 12", although the Bureau still had fasteners of those types purchased six and three years before, respectively. As of October 31, 1960, only 151 sets of the 200 sets of 19" x 12" purchased in 1956 had been used by the Bureau while the fasteners requisitioned in 1959 were still untouched.

Respondent vehemently denies that his approval of the above requisitions resulted in overstocking. He contends that the Office of the President, by, approving his predecessor's request for the increase of the Bureau's reimbursable fund from ₱3,500,000 to ₱5,000,000, had in effect recognized the policy that supplies and materials of the Bureau should be kept to meet consumption needs for at least 12 to 16 months, and all stocks purchased during his directorship will be consumed within that period. And even assuming that the above requisitions had indeed resulted in overstocking, respondent claims that he should not be held responsible therefor because the requisitions were initiated by the division chiefs of the Bureau and were processed and finally approved by the Department of General Services. His signature in a requisition, respondent maintains, merely indicated provisional approval thereof.

Although it may be a sound policy for the Bureau to carry enough stock to meet its consumption needs for at least one year, yet it can be seen from the preceding discussion, that the Bureau is overstocked in certain items which will take it from three to ten years and even as long as 35 years to consume based on average annual consumption.

Neither may respondent shift responsibility for the overstocking to his division chiefs who initiated the purchases nor the Department Head. As bureau head, he was supposed to scrutinize the acts of his subordinates and not blindly approve the same just because they so recommended, otherwise he would be converted into a mere rubber stamp. Because he did not bother to scrutinize the requisitions presented for his signature, his subordinates went to the extent of withholding information, like the stock on hand and rate of consumption, essential to an intelligent appraisal of said requisitions, resulting in excessive and useless acquisitions of materials and supplies.

Although under Executive Order No. 302, dated September 26, 1940, requisitions approved by the bureau head requires further approval by the proper Department Head, it does not say that the former is relieved of responsibility for his action once his superior approves the requisitions he has previously approved. If later the requisition is found to be irregular, he cannot shift responsibility to the Department Head alone. By providing that requisitions must bear the approval of the bureau head as well as the Department Head, the law has imposed upon each of them the duty to disapprove irregular requisitions. They are equally responsible, therefore, if both fail to perform their separate duties.

In the light of the above, there is no doubt that as a consequence of the requisitions approved by the respondent, there is now gross overstocking of certain items in the Bureau and an enormous stock of other items of very little, if any, utility to it.

II. OVERPRICING

It also appears that numerous requisitions bearing respondent's approval were marked "for immediate delivery" or "urgent" although there was no urgency therefor as the goods were not used immediately and even for a long time thereafter. Thus, Requisition No. 77851, dated December 3, 1959, for 2,000 reams of white writing paper, 22" x 34", 32 lbs., was marked "for immediate delivery." Yet, not a single ream had been withdrawn from the Bureau's warehouse as of March 14, 1960. Requisition No. A-54406, dated March 13, 1959, for 1,500,000 envelopes, No. 6, 6-1/2" x 3-5/3", was marked "urgent." However, not a single piece of envelope from this requisition had been issued by the Bureau as of October 3, 1960. Requisition No. 77702, dated January 12, 1960, for 1,500 yards of bookcloth, pyroxilin impregnated, was also marked "urgently needed." Yet, not a single yard had been issued as of October 26, 1960; so with the 4,000 yards of tan color bookcloth covered by Requisition No. 77751, dated September 11, 1959, which were represented as "urgently needed."

Requisition No. 77815 dated November 4, 1959, for 2,000 reams of white writing paper, 22" x 24", 32 lbs., was marked for "immediate delivery" despite the fact at the time the Bureau had 816 reams of the same kind of paper. It was not until February 8, 1960, that a withdrawal was made from the stock covered by said requisition. Another requisition dated November 5, 1959, for white writing paper, 28" x 34", 51 lbs., was marked for "immediate delivery" when the Bureau then had 2,592 reams of that kind of paper.

Under Rule 6, Article II of the Bureau of Supply Rules and Regulations, the term "immediate delivery" means "not beyond seven days from the receipt of the order." Respondent explains that he paid scant attention to these terms for being meaningless for all practical purposes. How, respondent, who had attended countless deliberations of the Committee on Awards, could regard the terms "immediate delivery" and "urgent" as meaningless and of no practical importance, is incomprehensible. He was present when the Committee on Awards processed the bids to supply the, 1,500 reams of writing paper, 28" x 34", 33 lbs., called for in Requisition No. 54433. The award went to Joco Trading Company although its offer was higher (₱29.74 per ream) than that of Paul Bros. (₱18.13 per ream), precisely because the requisition was marked for "immediate delivery." While Joco Trading was ready to make "immediate delivery" Paul Bros. was not. On this purchase alone, the words "immediate delivery" on the requisition meant a difference of ₱17,415 for the Bureau.

What is more, respondent must have known that whenever he makes the representation that a certain item is "urgently" needed by the Bureau, he furnishes ready-made justification for dispensing with the requirement of public bidding, in which case the Bureau would very likely not get the lowest price obtainable.

It further appears that prices in previous requisitions for immediate delivery were quoted in requisitions not for immediate delivery. Respondent explains that he did not check and was not particular about cost estimates because prices of materials were fluctuating. It is indeed surprising that respondent was never struck by the thought that a higher estimate of cost could mislead the Committee on Awards into accepting what appeared to be the best offer in a first bid when a rebidding would very likely bring a still lower offer.

Finally, although respondent was present during deliberations of the Committee on Awards, he remained silent when it ignored lower bids and made awards in favor of suppliers whose bids were

higher. Thus, in the specific case of the requisition dated July 9, 1959, for 2,000 reams of white writing paper, the U. S. P. Enterprise Corporation and Joco Trading Company both made an offer of ₱20.80 per ream to be delivered immediately. Efco Trading Company offered ₱17.60 per ream for delivery within 90 days. The U. S. P. Enterprises and Joco Trading got the award for 1,000 reams each. Respondent could have easily informed the Committee to accept the lower offer of Efco as the requisition was not marked “urgent” or for “immediate delivery,” and thereby could have saved the Bureau ₱6,500 on this purchase alone.

III. OVERDRAFT

According to Exhibit FFFFF of the prosecution, the cash overdraft of the Bureau of Printing from June 30, 1956, to September 30, 1960, is as follows:

Year	Cash Overdraft
June 30, 1956	₱1,054,468.41
June 30, 1957	1,491,119.46
June 30, 1958	2,393,442.96
June 30, 1959	2,232,135.05
June 30, 1960	3,675,393.93
Sept. 30, 1960	3,178,565.95

It appearing that the increase in the Bureau’s cash overdraft was due mainly to the very slow collection of its accounts receivable; that under section 28 (a) of Executive Order No. 290, dated March 14, 1958, “the functions of ... billing and collecting accounts due” was transferred from the Bureau to the Fiscal Division of the Department of General Services; and that said function was returned to the Bureau only in March, 1960, I agree with the investigating committee that respondent should not be held responsible for the Bureau’s huge overdraft, and he is therefore cleared of the charge.

Respondent, after finishing his elementary education in 1920, entered the government service as a junior computer in the Bureau of Lands at ₱30 a month. Seven months later, or on March 1, 1921, he transferred to the Bureau of Printing as an apprentice at ₱1.50 a day. From then on he was connected with the Bureau until his suspension on September 24, 1960. He became director of the Bureau on January 8, 1958, but judging from his acts as such, he evidently was unprepared to assume the heavy responsibilities of a bureau head. He appears wanting in intellectual qualities essential to the efficient management of the Bureau. When he took the witness stand in his own defense, he only made matters worse for himself. Indeed, he turned out to be the prosecution’s most telling witness in the case.

His very testimony revealed a glaring example of his negligence and incompetence. Republic Act No. 2300 (the General Appropriations Act for the fiscal year 1959-1960) set aside the sum of ₱180,000 for “the modernization and improvement of the Bureau of Printing, including the acquisition of machinery, plants and facilities.” Although he testified that one of the major problems of the Bureau is the need for the release of the above allocation until after the fiscal year 1959-1960 had ended, his request to the Budget Commission having been made on July 11, 1960. Thus, the amount reverted to the General Fund of the Government and the Bureau was deprived of badly needed funds for its modernization and improvement.

Respondent also betrayed his unfitness to continue as bureau head when during his testimony he showed unfamiliarity with papers supporting or accompanying requisitions and vouchers signed by him.

In view of all the foregoing, I believe that it is in the interest of the public service that respondent be relieved of his post. However, with his more than 40 years of service in the government, he is entitled to some degree of leniency. Wherefore, and upon the recommendation of the investigating body, Mr. Mariano Ledesma is hereby considered resigned from office as Director of Printing, effective as of the date of his preventive suspension, without prejudice to his enjoying whatever retirement benefits he may be entitled to.

Done at the City of Manila, this 31st day of July, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **NATALIO P. CASTILLO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 363
CONSIDERING MR. ANTONIO V. VALDEZ RESIGNED FROM OFFICE
AS JUSTICE OF THE PEACE OF IVISAN, CAPIZ.

This is an administrative case against Mr. Antonio V. Valdez, justice of the peace of Ivisan, Capiz, who is charged with gross ignorance of the law, extortion, abuse of authority, partisanship, lack of residence in his jurisdiction and having numerous relatives in Ivisan who constitute a major deterrent to his impartial administration of justice therein. The charges were investigated by the District Judge who recommends respondent's exoneration.

The Secretary of Justice agrees with the investigating Judge that the evidence is insufficient to prove the charges but differs from his recommendation in view of the facts established under the charge of gross ignorance of the law and the decision in the administrative case of another justice of the peace.

It appears that in Civil Case No. 50 of respondent's court the defendant, complainant herein, is his maternal uncle, being the brother of his mother. Despite this close relationship, respondent did not disqualify himself, contending that he was not bound to do so as no objection was raised by any of the parties to his competence to act on the case. Besides, he decided the case against his relative.

Respondent's contention, which is upheld by the District Judge, is not well taken, considering the absolute nature of his disqualification under Section 1 of Rule 126 of the Rules of Court. At least he should have suggested to the defendant to initiate such move. His failure to voluntarily disqualify himself adversely affected his fitness for office (33 C. J. 945). The following passage in the decision in the case against Justice of the Peace Rizal S. Katalbas of Sagay, Negros Occidental, invoked by the Secretary of Justice, is in point:

"As to the first charge, respondent's legal disqualification to sit in his brother-in-law's case was clear. If he really believed that, under the Rules of Court, he could inhibit himself from trying said case only on motion of one of the parties, it is strange that he did not suggest to the defendant to initiate such move. As a lawyer, the respondent knew or ought to have known the utter impropriety of his taking cognizance of the case in view of his close relationship to one of the parties therein. If he did not know these elementary principles, then he was guilty of gross ignorance to the point of being a menace to the administration of justice as a judge. He ought to have known that for lesser reason not amounting to disqualification, judges have refrained from trying cases in which their impartiality may be put in doubt." (Am. Ord. No. 107-A dated March 5, 1955.)

Respondent's violation of duty being clear, it is no defense that he decided the case against his relative or that his decision is correct. As held in the same Katalbas case:

“Respondent-petitioner’s violation of duty being clear, it is no defense that his decision in the case was correct or that no objection was made to his trying it. These circumstances may be considered only in mitigation of the offense, as is the fact that, as now contended by him, he committed an error in good faith.” (Adm. Ord. No. 146 dated Oct. 24, 1955, modifying Adm. Ord. No. 107-A dated March 5, 1955, *supra*.)

In view of the foregoing, and in line with the recommendation of the Secretary of Justice, Mr. Antonio V. Valdez is hereby considered resigned from office as justice of the peace of Ivisan, Capiz, without prejudice to receiving whatever gratuities and privileges he may be entitled to under the law.

Done in the City of Manila, this 31st day of July, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) CARLOS P. GARCIA

By the President:
(Sgd.) NATALIO P. CASTILLO
Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 364
EXONERATING SOLICITOR LAURO C. MAIQUEZ OF THE OFFICE
OF THE SOLICITOR GENERAL.

This is an administrative case against Mr. Lauro C. Maiquez, solicitor in the Office of the Solicitor General, for alleged dishonest conduct highly prejudicial to the interest of the service. It was investigated by the Commissioner of Immigration who recommends respondent's exoneration in which the Undersecretary of Justice concurs.

It appears that respondent was designated acting judge of Branch III of the Municipal Court of Manila from April 7 to July 14, 1954. Among the cases tried by him was Civil Case No. 30909, entitled "Dominador Cruz, plaintiff, versus Rosita de la Cruz, defendant," for illegal detainer. Plaintiff sought defendant's ejection from a parcel of land located somewhere in Tondo, Manila, and defendant set up a counterclaim for ₱1,000 as improvements introduced, by her in good faith in the premises.

Complainant claims that the trial of the case was originally set for May 9, 1954, and then postponed to May 20, 1954, when she testified. Before she could go far in her testimony, she was stopped by the respondent after the latter had winked at plaintiff and his counsel. After trial, which began at one o'clock in the afternoon, respondent told her, from the rostrum and within hearing of the public, to wait so that she would know the result of the case.

When respondent saw her with companions in his chambers, respondent asked her why she brought so many people when what he was to tell her was a delicate matter which might prove prejudicial to him. She answered that they were persons of her confidence, whereupon respondent told her that he would make her win the case if she forked over ₱100. She answered that she did not have that much but promised to pay ₱5 monthly installments which was agreed upon. He asked her how much money she then had, and she told him ₱12 which respondent asked from her. Having no other money for expenses, she gave him only ₱7. Respondent further told her to bring to his house on May 25, 1954, one tiklis of mangoes and 200 pieces of bananas, giving her his address on a piece of paper, which she did.

On the occasion of the delivery of the fruits respondent demanded from her the ₱5.50 which she had as he was going to the show. After some haggling she gave him ₱5. She was assured of a favorable decision in her case. However, on July 16, 1954, she received a copy of the decision which was adverse to her. The next evening she went to respondent for an explanation and was told that she lost the case because of her failure to give the ₱5 installment due on June 30, 1954, but if she could give him ₱10 he would change his decision. She replied that she would give money once the decision was changed.

Respondent vehemently denied complainant's derogatory claims. He alleged that he was not in such financial straits as to exact measly sums from a poor litigant like complainant whose means of livelihood were begging and washing clothes; that being a man of means, aside from receiving a fairly good salary, he would not be so foolish as to jeopardize his long career in the Government especially at that time when he was being groomed by influential people and the Municipal Board of Manila

for a permanent position in the municipal court; and that there was no way of rendering a decision in complainant's favor.

I find respondent more worthy of belief than complainant. Her evidence is incredible, conflicting and contradicted by reliable evidence.

Her case could not have been set for trial on May 9, 1954, as it was Sunday. The claim that the case was tried after one o'clock in the afternoon of May 20, 1954, is belied not only by respondent but also by the two lawyers of the parties in the case who stated that the trial started about 11 A.M. and was finished shortly after noon; that complainant was afforded full opportunity to testify; and that respondent left the court premises ahead of them. Complainant's own lawyer said that she went home with him without passing through respondent's chambers.

The testimony as to the delivery of the fruits is not only incredible but hopelessly contradictory. Whereas she testified that only one of her sons accompanied her on that occasion. Mariano Corpuz, one of her companions, said that her two sons were with them. Again she claimed that it was respondent's sister who met them and that the fruits were brought to a room on the second story. However, Corpuz said it was a man, servant who met them and the fruits were taken to a room on the first floor. Complainant declared that they rode in a small taxicab in going to respondent's residence, whereas Corpuz said it was a big one. Her son claimed that they started from Quiapo for respondent's Quezon City residence at 2 P.M. and reached their destination, after stopping only to obey traffic signals, a little before dark. The normal driving time does not take half an hour.

It is incredible that a judge, in open court and before the public, would advise a party-litigant to see him in his chambers for the outcome of the case. Being a man of sufficient means, as reflected in his statement of assets and liabilities, and an aspirant for judgeship, respondent could not have stooped so low as to demand petty sums from a poor litigant and thereby jeopardize his future and career in the government service.

Other absurdities and material contradictions could be recited but those stated are believed sufficient. I am inclined to believe that the complainant, who was allegedly suffering from some mental infirmity, wanted to wreak vengeance on the respondent because of her disappointment in losing the case and failing to obtain the exaggerated amount she was demanding in her counterclaim. I agree with the investigator that complainant's evidence is utterly unbelievable.

Wherefore, and upon recommendation of the investigator and the Undersecretary of Justice, Solicitor Lauro C. Maiquez is hereby exonerated from the charges against him.

Done in the City of Manila, this 31st day of July, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) CARLOS P. GARCIA

By the President:

(Sgd.) NATALIO P. CASTILLO

Executive Secretary

Source: Malacañang Records Office

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 365
DISSOLVING THE FACT-FINDING COMMITTEE CREATED BY ADMINISTRATIVE ORDER
NO. 268, DATED APRIL 28, 1958, AS AMENDED BY ADMINISTRATIVE ORDER NO. 276
DATED AUGUST 8, 1958.

WHEREAS, a Fact-Finding Committee to recommend ways and means of effecting good administration, performance and efficiency in the Bureau of Customs was created by Administrative Order No. 268, dated April 28, 1958, as amended by Administrative Order No. 276 dated August 8, 1958;

WHEREAS, the purpose for which the committee was created is about to be achieved, except the final winding up of certain pending projects and the corrective phase thereof which properly belongs to the corresponding administrative authority;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby dissolve the Fact-Finding Committee created by Administrative Order No. 268 dated April 28, 1958, as amended by Administrative Order No. 276 dated August 8, 1958; provided that said committee is hereby directed to wind up its pending work as soon as possible but in no case later than 90 days from the date hereof.

Done in the City of Manila, this 1st day of September, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **NATALIO P. CASTILLO**
Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 366

**AUTHORIZING THE COUNTRY BANKERS INSURANCE & SURETY COMPANY, INC.
TO BECOME A SURETY UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS
AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the COUNTRY BANKERS INSURANCE & SURETY COMPANY, INC. is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the COUNTRY BANKERS INSURANCE & SURETY COMPANY, INC. to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 12th day of September, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **NATALIO P. CASTILLO**

Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 367

**AUTHORIZING THE MERIDIAN ASSURANCE CORPORATION TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.**

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the MERIDIAN ASSURANCE CORPORATION is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the MERIDIAN ASSURANCE CORPORATION to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 12th day of September, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **EDILBERTO B. GALLARES**
Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 368
CREATING A COMMITTEE TO TAKE CHARGE OF THE FUNERAL ARRANGEMENTS
AND BURIAL OF FORMER PRESIDENT SERGIO OSMEÑA

WHEREAS, former President Sergio Osmeña passed away unexpectedly on the nineteenth day of October, nineteen hundred and sixty-one; and

WHEREAS, it is fitting and proper that adequate arrangements be made for the holding of official necrological services and a state funeral for our former President, commensurate with the people's love and respect for him with great debt of gratitude that they owe him;

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby create a Committee on Funeral Arrangements and Burial, composed of the following:

Speaker Daniel Romualdez, Chairman

Members:

Hon. Fernando Lopez
Hon. Ferdinand Marcos
Hon. Mariano Jesus Cuenco
Hon. Domocao Alonto
Hon. Elpidio Valencia
Hon. Alejo Santos
Hon. Jose Tuazon
Hon. Jose Nable
Justice Jesus Barrera
Hon. Constancio Castañeda
Hon. Cornelio Villareal
Gen. Basilio Valdez
Hon. Jose Reyes
Hon. Enrique C. Quema
Gov. Francisco Remotigue
Minister Manuel G. Zamora – Secretary

Done in the City of Manila, this 20th day of October, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **ENRIQUE C. QUEMA**
Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 369
EXONERATING MR. SALVADOR NARCELLES, CHIEF OF THE FIRE DEPARTMENT
OF QUEZON CITY.

This is an administrative case against Mr. Salvador Narcelles, Chief of the Fire Department of Quezon City, for alleged (1) dishonesty on two counts (use of government employees for private purposes and excessive issues of gasoline to the vehicles of the Fire Department) and (2) conduct prejudicial to the best interest of the public service on two counts (entering into an illegal contract with Mr. Francisco Bocobo to put up a benefit show for the Quezon City Fire Department Trust Fund and failure to account for the proceeds thereof. The charges, which respondent denied and claimed to be malicious and baseless, were investigated by the Committee appointed by the President.

Charge I – Dishonesty

(a) The respondent is charged with having used government employees for private purposes such as driving his personal car and doing electrical installations in his private residence during office hours. In support thereof, the complainant submitted the purported affidavit dated March 23, 1959 of Fireman-Driver Pablo Quiñones of the Quezon City Fire Department wherein he stated that from September to December, 1958, he had been driving the private car of the respondent, and those of Electricians Alfonso Santos and Cecilio Tadea of the same Department, dated December 14, 1954, wherein they averred that they made electrical installations in the home of the respondent on certain days in November, 1954.

During the hearing of the case, Pablo Quiñones disclaimed his purported affidavit of March 23, 1959 and testified that the signature “Pablo Quiñones” appearing therein is not his own and genuine signature. As a matter of fact, he expressly disclaimed such signature in a sworn statement dated May 24, 1960, which was submitted as evidence and identified by him as his. In this later affidavit, he stated that if he drove any vehicle from September to December, 1958, he did so in his official capacity as driver for the Quezon City Fire Department. The Notary Public, Atty. Felipe Galian, could not even identify the real Pablo Quiñones, who was just two meters away in front of him, as the person who purportedly subscribed the questioned affidavit of March 23, 1959.

No evidence was presented by the complainant to prove the alleged personal services of Messrs. Alfonso Santos and Cecilio Tadea in the form of electrical installations. As a matter of fact, these two retracted the contents of their previous affidavit dated December 14, 1954 in statements subscribed before the City Attorney on May 5, 1955. They were not even presented by the complainant as witnesses to substantiate the charge.

(b) As to the alleged excessive issuance of gasoline to the vehicles of the Fire Department, the prosecution submitted as evidence thirteen (13) requisitions and issue vouchers for gasoline allowance

of PI Jeep No. 3001 assigned to Deputy Chief Fortunato Pinacate, covering the period from July 11 to August 11, 1959, when the said Jeep was allegedly under repair. The requisitions were prepared by the requisitioning officer of the said Department, approved by the Office the City Engineer and the respondent. There was no proof that the gasoline requisitioned during the said period was excessive. Witnesses for the prosecution themselves testified that the unused gasoline was kept in the bodega of the Central Office and sent to the different branch stations for use in cases of emergency. Neither was there proof to show that said gasoline or any part thereof was appropriated by the respondent for his personal use and benefit.

Charge II – Conduct Prejudicial to the Public Service

(a) The respondent is charged with having entered into an illegal contract with Mr. Francisco Bocobo to put a benefit show for the Quezon City Fire Department. It appears that on October 12, 1959, the respondent entered into a contract with Francisco Bocobo to put up a benefit show for the Quezon City Fire Department Trust Fund, under which the latter shall have 15% of the gross income thereof. The said contract is assailed as violative of paragraph 15 of Administrative Order No. 28, series of 1958, of the Social Welfare Administration, implementing Act No. 4075 which limits the expenses incident to the holding of any fund drive to not more than 30% of the total gross income. In an agreement signed on December 4, 1959 by and among the respondent herein, Francisco Bocobo, Ernesto Madriaga and Emigdio Hapatinga, the said Mr. Bocobo pledged to limit the expenses of the benefit show to not more than 30% of the gross income and not to share in the proceeds derived therefrom. Upon the recommendations of the Mayor of Quezon City and the Social Welfare Administration, the corresponding application of Francisco Bocobo as representative of the Quezon City Fire Department Trust Fund for a solicitation permit to raise funds by means of benefit show was approved by the Office of the President. Under these facts, the contract may not be assailed as illegal.

(b) The respondent is charged with failure to account for the proceeds of the benefit show. The evidence shows that Francisco Bocobo assumed responsibility as to the financial and operational aspects of the enterprise; that the respondent entrusted to Lt. Ernesto Madriaga the actual and direct participation of the Quezon City Fire Department therein; and that this officer, in his deposition before the Presidential Committee on Administration Performance Efficiency, assumed the responsibility to account for the proceeds accruing to the said Fire Department. Lt. Madriaga submitted his statement of account. Francisco Bocobo also submitted the corresponding accounting and financial statement. Both the Social Welfare Administration and the General Auditing Office have made demands upon the latter for the restitution of money claims arising from the enterprise. Under these facts, the respondent should be cleared of this charge.

In view of the foregoing, and as recommended by the Investigating Committee, Mr. Salvador Narcelles, Chief of the Fire Department of Quezon City, is hereby exonerated of the afore-mentioned charges against him. His preventive suspension is hereby lifted and he shall be reinstated forthwith upon notice hereof.

Done in the City of Manila, this 4th day of November, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **EDILBERTO B. GALLARES**
Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 370
AUTHORIZING THE TIMES SURETY AND INSURANCE CO., INC., TO BECOME A SURETY
UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS AND UNDERTAKINGS.

WHEREAS, Section 1 of Act No. 536, as amended by Act. No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with any public authority, national, provincial, municipal, or otherwise, or of any undertaking or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified, is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust, and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body whether executive, legislative or judicial shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking, unless such corporation has been authorized to do business in the Philippines in the manner provided by the provisions of said Act No. 536, as amended, nor unless such corporation has by contract with the Government of the Philippines been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the TIMES SURETY AND INSURANCE CO., INC., is a domestic corporation organized and existing under the laws of the Government of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law do hereby authorize the TIMES SURETY AND INSURANCE CO., INC. to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this fifth day of November, in the year of Our Lord, nineteen hundred and sixty-one, and of the independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**
President of the Philippines

By the President:
(Sgd.) **EDILBERTO B. GALLARES**
Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 371
MODIFYING ADMINISTRATIVE ORDER NO. 321 DATED MARCH 12, 1960, CONCERNING
FORMER ASSISTANT FISCAL CARLOS GOCO OF RIZAL.

Under Administrative Order No. 321 dated March 12, 1960, Mr. Carlos Goco was considered resigned as assistant fiscal of Rizal for engaging in outside business and professional activities without previous permission from his superiors, in violation of Executive Order No. 103, series of 1913, and Rule XIII, Section 5, of the Civil Service Rules. The violation was considered serious in view of the consequences arising therefrom in that he exposed hundreds of people to apparent exploitation by unscrupulous parties to whom the lands, originally intended to be bought for the tenants of a certain hacienda in Malabon, Rizal, were sold by respondent's wife in whose name the property had been acquired from the Roman Catholic Archbishop of Manila, the original owner.

Respondent filed a motion for reconsideration stoutly protesting his innocence and want of any advantage or benefit derived either by him or by his wife said to have been favored by the deal.

A restudy of the case by the Department of Justice tends to belie any possible motive of gain or benefit on the part of either respondent or his wife. This is shown by the fact, among others, that Mrs. Goco transferred all her rights and interests over the hacienda for the nominal sum of ₱1 to A. M. Raymundo and Company, a partnership made up of tenants themselves, which had raised the necessary amount to push through the transaction, then on the verge of collapse, because of the financial inability or indifference of most of the tenants. Moreover, the protective clause for the recognition of the rights of the bona fide tenants contained in the deed of sale in Mrs. Goco's favor from the Archbishop was carried over in the deed of sale executed by her in favor of the partnership.

Whether or not respondent acted in utmost good faith, devoid of interest, expectation or return, the fact remains that had he steered clear from any such involved transaction from the outset, all these troubles and misunderstandings would have been avoided.

The Secretary of Justice considers the penalty imposed in the decision rather too severe and recommends respondent's reinstatement, with the period he was out of the service considered as his suspension. I believe the decision can stand modification in the manner suggested.

Wherefore, Administrative Order No. 321 dated March 12, 1960, is hereby modified in the sense that Mr. Goco is punished with suspension without pay corresponding to the period he was out of the service; that is, from the time he was considered resigned until his reinstatement which is hereby decreed.

Done in the City of Manila, this 17th day of November, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **EDILBERTO B. GALLARES**

Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 372
CREATING A COMMITTEE TO TAKE CHARGE OF ALL ARRANGEMENTS CONNECTED
WITH THE STATE VISIT OF PRESIDENT ARTURO FRONDIZI OF ARGENTINA ON
DECEMBER 11-13, 1961.

By virtue of the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby create a committee to take charge of all arrangements connected with the state visit of President Arturo Frondizi of Argentina on December 11-13, 1961, including this reception, stay and departure. The committee shall be composed of the following:

Hon. Manuel Lim	
Secretary of Commerce and Industry.....	Chairman
Hon. Dominador Aytona	
Secretary of Finance.....	Member
Hon. Alejo Santos	
Secretary of National Defense	Member
Hon. Jose Tuason	
Acting Secretary of Education	Member
Hon. Agapito Braganza	
Acting Secretary of Labor.....	Member
Hon. Fructuoso Cabahug	
Undersecretary of Foreign Affairs.....	Member
Hon. Jose G. Nable	
Press Secretary	Member
Hon. Marciano D. Bautista	
Undersecretary of Public Works	Member
Hon. Enrique C. Quema	
Assistant Executive Secretary.....	Member
Major General Pelagio Cruz	
Vice Chief of Staff, AFP	Member
Hon. Pablo Cuneta	
Mayor of Pasay City.....	Member
Hon. Antonio Villegas	
Vice-Mayor of Manila	Member
Hon. Emilio Abello	
President, Rotary Club of Manila.....	Member

Minister Pedro Angara-Aragon	
Chief of Protocol, Dept. of Foreign Affairs	Member
Minister Manuel G. Zamora	
Presidential Protocol Officer.....	Member-Secretary

The committee shall be responsible for the planning, coordination and smooth execution of all arrangements that will be made in connection with the said state visit.

The committee is hereby authorized to call upon any department, bureau, office, agency or instrumentality of the government, including government-owned or controlled corporations, for such assistance as it may need in discharging its duties and functions.

Done in the City of Manila, this 20th day of November, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **EDILBERTO B. GALLARES**
Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 373
CREATING A COMMITTEE TO TAKE CHARGE OF THE INAUGURATION
OF THE PRESIDENT-ELECT AND THE VICE PRESIDENT-ELECT OF THE PHILIPPINES
ON DECEMBER 30, 1961

By virtue of the powers vested in me by law, I, CARLOS P. GARCIA, President of the Philippines, do hereby create a Committee to take charge of the inauguration of the President-elect and the Vice President-elect of the Philippines on December 30, 1961. The Committee shall be composed of the following:

Secretary Dominador Aytona	}	Co-Chairmen
Senator Ferdinand E. Marcos		
Senator Arturo M. Tolentino		Member
Senator Estanislao Fernandez		Member
Commissioner Faustino Sy-Changco		Member
Mr. Fernando E. V. Sison.....		Member
Rep. Vicente L. Peralta		Member
Rep. Gerardo M. Roxas.....		Member
Mayor Arsenio H. Lacson.....		Member
Governor Benigno S. Aquino, Jr.		Member
Secretary Edilberto B. Gallares		Member
Mr. Amelito R. Mutuc		Member
Secretary Jose C. Nable.....		Member
Mr. Rufino G. Hechanova.....		Member
Minister Manuel G. Zamora		Member-Secretary

The Committee shall meet at the call of either of the Chairmen and, for the purpose of discharging its functions, may create such sub-committees as may be necessary.

The Committee is hereby empowered to call upon any department, bureau, office, agency or instrumentality of the Government for such assistance as it may need in discharging its duties.

Done in the City of Manila, this 14th day of December, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**
President of the Philippines

By the President:
(Sgd.) **EDILBERTO B. GALLARES**
Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 374
EXONERATING ASSISTANT DIRECTOR NATIVIDAD DE CASTRO OF THE NATIONAL
BUREAU OF INVESTIGATION

This is an administrative case against Mr. Natividad de Castro, assistant director, National Bureau of Investigation (NBI), filed by the acting chief of the office, Lt. Col. Jose G. Lukban, for allegedly (1) conspiring with a questionable Chinese and certain NBI agents to dislodge complainant from his position, in which they temporarily succeeded, (2) abandoning his office after failing in his attempt but continuing to collect his salary, (3) using government telephone for his romantic relations and (4) continuing in his scheme to ease out complainant from his position with the aid of some NBI agents and an influence peddler romantically linked with highly-placed government officials. The charges were investigated by a committee composed of First Assistant Solicitor General Guillermo E. Torres and Special Prosecutor Alejandro E. Sebastian of the Department of Justice, which found the charges without merit and recommended respondent's exoneration. The Secretary of Justice agrees with the committee.

CHARGES I AND IV

The evidence shows that efforts were really exerted to have complainant relieved as NBI acting director in favor of respondent. However, there is no conclusive evidence that respondent was the one who actually maneuvered the easing out of complainant from his position. According to the respondent, if he aspired for the position of NBI Director, which was logical enough under his circumstances, it was because of his belief that Acting Director Lukban would be detailed or promoted elsewhere.

CHARGE II

The charge of abandonment is clearly unfounded. Respondent's not being in the office occasionally appears to have been due, among others, to the fact that he had confidential assignments from this Office to be performed outside and that he was directed to investigate certain cases in Cotabato. While indeed respondent might have been late in coming to the office or early in leaving it, it was possible that the same was due to the exigencies of the service. At any rate, as No. 2 man of the bureau respondent was not bound to observe strictly office hours and considerations for his rank demand that he should not be treated like a minor employee on matters of attendance.

CHARGE III

Some undue importance seems to have been given by the complainant to an isolated telephone call to respondent from a woman who appears to be a family friend. There was nothing from the recorded telephone conversation that would arouse the sensibilities of anyone.

In view of the foregoing, and upon the recommendation of the investigating committee and the Secretary of Justice, Mr. Natividad de Castro is hereby exonerated from the charges.

Done in the City of Manila, this 18th day of December, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **EDILBERTO B. GALLARES**

Asst. Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 375

CONSIDERING MR. ALFREDO M. BUNYE RESIGNED AS DIRECTOR OF PRISONS
AND REMOVING MR. ERIBERTO B. MISA, JR., FROM OFFICE AS ASSISTANT DIRECTOR
OF PRISONS.

This is an administrative case against Messrs. Alfredo M. Bunye and Eriberto B. Misa, Director and Assistant Director, respectively, of the Bureau of Prisons, for (a) culpable neglect and gross inefficiency in the performance of duty and (b) maladministration with grave abuse of authority and violation of civil service laws, rules and regulations.

The first charge consists of eleven (11) specifications. Respondents were made to answer for the extreme but unwarranted and unnecessary congestion of prisoners in the New Bilibid Prison; their failure and indifference to decongest it adequately; the dismal consequences of the congestion – formation and growth of prison gangs such as the notorious Sigue-Sigue and OXO warring groups, making and keeping of deadly weapons by prisoners, killings, stabbings, bloody riots and mass jailbreaks; their failure to break up and stop the activities of the prison gangs; and their leaving together their posts for Tokyo on November 21, 1957, the chaotic condition in the penitentiary notwithstanding.

Respondent Bunye alone is made to account on the first charge for leaving his post for Baguio on February 16, 1958, and returning the following day only despite the explosion in the morning of that day of terrible prison violence caused by the tumultuous affray of the Sigue-Sigue and OXO gangs; leaving his post for New York to attend a United Nations Conference in April 1958, when conditions in the penitentiary were still abnormal; reinstating a prison guard who was suspended for maltreating a prisoner and recommending the guard's exoneration later; and ordering the transfer of Sigue-Sigue and OXO prisoners to newly built stockades, notwithstanding the security deficiency thereof for the confinement of prisoners, thus causing two abortive attempts of mass jailbreaks.

On the second charge, respondents were made to answer twelve (12) counts, namely; favoritism in the supervision and treatment of prison employees; assignment of personnel to positions and functions other than those appertaining to their appointments; detail of prison guards to clerical duties regardless of the compelling demand for more guards to maintain order in the penitentiary; failure to provide guards and drivers with free quarters inside the prison reservation; wanton disregard of existing rules of seniority and qualifications of prison employees in the consideration of promotions; abuse of their privilege to have prisoner-helps in their quarters; assignment of hardened Sigue-Sigue prisoners classified as incorrigibles in the prison "trusty force"; toleration of six women employees performing clerical duties to occupy items for guards; failure to impose administrative discipline on errant prison employees; and the shooting of four prisoners attempting to escape, resulting in the death of three and serious injuries on the fourth.

The factual aspects of the specifications on the first charge are admitted by respondents. However, they disclaim responsibility therefor on the ground, that those were unavoidable contingencies beyond their control. They blame the congestion of prisoners in the New Bilibid Prison on their lack of control

over the number of prisoners sent to and admitted in the penitentiary. Evidence was presented to show that they had exerted efforts in decongesting the penitentiary but failed for lack of necessary means and funds. As to the tumultuous happenings in the penitentiary – the riots, killings, stabbings, jailbreaks and other prison disorders – they impute these to the fact that the penitentiary was sadly over-populated and to the very low disproportion of guards in relation to the large number of inmates to be supervised and watched.

There is no doubt in my mind that the root cause of the dismal conditions and horrible occurrences in the New Bilibid Prison in 1958 which attracted nationwide attention was the congestion of prisoners. While respondents made attempts to decongest the penitentiary, I find that their efforts were not in earnest and devoted as the situation demanded. From the way they tried to wash their hands of the responsibility for the sad state of things in the national penitentiary, I gather that their attitude towards their bounden duty is that of passive resignation to seemingly difficult problems necessarily arising from the very nature of a prison establishment. Had they taken to heart their sworn tasks as guardians of the welfare of the New Bilibid Prison, they could have easily achieved its proper decongestion as the present acting Director of Prisons did in a short time after taking over the supervision and management thereof.

I realize that the New Bilibid Prison is beset with several problems, such as the lack of adequate funds and the small number of personnel to cope with the proper supervision of the inmates. Decongestion, however, could have been easily attained, even with lack of funds, by the periodic transfer of a large number of the prisoners to the different penal colonies. But it is evident that respondents, instead of doubling their efforts to minimize the deplorable state of affairs in the penitentiary, let matters ride as they were. Where they should have stayed in their posts, for trouble was then brewing in the penitentiary, they left together for Tokyo in 1957, seemingly complacent with the thought that after all their departure was approved by the Department of Justice. By this act, they have shown that to them the Tokyo affair, an opportunity to travel abroad, was of more paramount importance than the well-being of the penitentiary, the fact that the problem of congestion thereof was seething and ready to explode, as it actually did a few months thereafter, notwithstanding.

Anent the second charge, I find from the evidence that respondents have no deep respect for civil service rules and regulations. They admit that there are several misplaced employees in the Bureau of Prisons. But they justify the topsy-turvy placements of personnel on the fact that the assignment of employees to positions other than those corresponding to their respective appointments had already been an established practice in the Bureau before they assumed office. This practice naturally paves the way for the accommodation of favorites in select positions and consequently demoralizes those who are not in the good graces of their superiors.

It is not surprising if one of the primary causes of the prisoners' complaints against prison employees for maltreatment is the demoralization among the latter, it being natural that a disgusted employee would find it easier and more convenient to give vent to his anger and displeasure on the prisoners than on his superiors. Respondents should have tried their level best to stop such a condemnable practice which, however hoary with age, is contrary to civil service rules. Their adherence to the practice shows not only their lack of initiative to improve worsening conditions but also their proclivity to let matters turn from bad to worse.

I also note from the record that while respondents are wont to brush aside civil service rules and regulations, they are unduly harsh in the application of prison rules to the inmates. It has been established that on the night of June 30, 1958, four prisoners successfully sawed off the iron window grills of the cell where they were confined and escaped to the playground. Before they could scale the walls of the prison compound, a guard saw them. An alarm was made and respondent Misa with a

number of guards hied off to the administration building at the control gate. On hearing the alarm, the four prisoners, completely naked except one who had his drawers on, started walking with hands raised above their heads towards the place where respondent Misa and his men were posted. Misa shouted, "Halt!" But the prisoners continued walking and Misa ordered the guards to fire at them. The prisoners fell, three died on the spot and one suffered serious physical injuries.

The mowing down of the four prisoners with gun fire was not warranted. Respondent Misa attempted to justify his order to shoot at the prisoners on the prison rule that a prisoner should immediately lie motionless on the ground, face downward and arms spread from his body, until ordered to stand up, at the sound of an alarm signal. The prisoners may not have obeyed the order to halt nor followed said prison rule but since they were naked, with their hands raised above their heads, a clear sign of surrender, only a warning shot should have been fired. Misa's action was not only a display of poor judgment but an indication that he does have the capacity to treat prisoners with humane consideration. To my mind, the shooting of the four naked prisoners who had sufficiently evinced their willingness to surrender was indeed a cowardly act.

IN VIEW OF ALL THE FOREGOING, I feel that the retention of respondents in the service will not be in the public interest. Respondent Alfredo M. Bunye is therefore considered resigned without prejudice to his leave and retirement privileges, and respondent Eriberto B. Misa, Jr., is removed from office, effective as of the date of their preventive suspension.

Done in the City of Manila, this 18th day of December, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) CARLOS P. GARCIA

By the President:

(Sgd.) EDILBERTO B. GALLARES
Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 376
CONSIDERING MR. FRANCISCO G. H. SALVA RESIGNED FROM OFFICE
AS CITY ATTORNEY OF PASAY CITY.

This is an administrative case filed by Miss Luz Santos, through counsel, against City Attorney Francisco G. H. Salva of Pasay City to the effect (a) that respondent asked a loan of ₱4,000 from complainant during the preliminary investigation in his office of her complaint for estafa against Gregorio Trinidad, Jr., and (b) that respondent also asked her to drop her said case against Trinidad.

The charges were investigated by the Chief Prosecuting Attorney of the Department of Justice. During the hearings respondent was always present and cross-examined complainant who rested her case on May 29, 1959. Respondent began presenting his evidence in June 1959. As the investigation had dragged for a long time, the investigator set it for continuous hearings on March 10, 11, 14, 15, 16, 21, 22, 23, 28, 29 and 30, 1960, at 2:30 P. M. Before the scheduled hearing of March 28, 1960, respondent moved for postponement of said hearing and those for March 29 and 30, 1960, which was granted. The hearings were then rest for April 11, 12, 13, 18, 19 and 20, 1960, for the final reception of respondent's evidence, after which the case would be deemed submitted under the resolution dated March 28, 1960, of the investigator.

On April 18, 1960, defense counsel requested the investigator to exhibit himself voluntarily as respondent intended to present evidence of his past relationship with the Prosecution Division which would be embarrassing to the investigator and to cancel the hearings set for April 19 and 20, 1960. The investigator denied the request and stood by his resolution of March 28, 1960, with the suggestion that a formal motion be submitted for the consideration of the Secretary of Justice. A petition for voluntary recusal was submitted on April 22, 1960, which was denied on May 12, 1960, by the Secretary of Justice, who directed the investigator to submit his findings and recommendation. Later the respondent appealed to the President from the Secretary's denial of his petition for change of investigator.

The challenge to the investigator's competence or qualification as hearing officer was belatedly made. The reasons given for the challenge existed and were known by the defense from the beginning. By failing to opportunely raise the issue, opportunely but only during the closing stages of the investigation, the defense may be deemed to have waived any objection on that score. If, as the defense states, it thought at first that the alleged evidence against the Prosecution Division could be dispensed with, and the investigator designated could go on, it should stand by that decision and the consequences thereof; otherwise administrative proceedings would be subject to speculation and the whims of the parties which should not be countenanced for obvious reasons.

As the mere filing of the petition for relief of the investigator and his substitution by another did not operate to suspend the proceedings in the absence of a restraining order from the higher authorities, respondent should have submitted such further evidence as he cared to on the days fixed by the investigator, without prejudice to the outcome of his petition. Moreover, there was no assurance that his petition would be granted; in fact it was denied by the investigator and the Secretary of Justice. Furthermore, the investigator would not decide the case himself and whatever findings and

recommendation he would make were not conclusive on, but subject to review by, both the Secretary of Justice and the President who may adopt or reject the same. Under the attendant circumstances, I am satisfied that respondent was afforded full opportunity to present his defense and that he was given his day in court.

We now proceed to the disposition of the case on the merits.

Complainant testified that she called up respondent by telephone during the pendency in the latter's office of her criminal complaint for estafa against Gregorio Trinidad, Jr. The telephone conversation was tape-recorded so as to convince her lawyer that respondent had been trying to borrow money from her and was interested in the dismissal of the Trinidad case. The tape-recorded conversation with respondent, carried in Tagalog, confirms her claims. It transpired therein that respondent asked for a loan of ₱4,000 of 12% interest, just as he had vainly sought a ₱1,000 loan from her before, and that he was interested in her dropping her case against young Trinidad. The tape-recorded conversation was as follows:

"Luz Santos. – Ito ba ang 81377? Nandiyan ho ba si Fiscal Salva?

Salva. – O.

L Fiscal Salva—si Luz.

S O, ano?

L Natatandaan mo ba yaong noon araw na nanghihiram ka ng isang libo ...

S O.

L Alam mo natiempo mo lamang na talagang walang wala ako noon. "Hiyang hiya nga ako sa iyo eh. O, ngayon mayroon ka... mayroon ka pa bang kailangan ngayon? Mayroon kasi akong kaunting nasingil na pinagbilhan ng alahas. Baka kailangan mo pa.

S. Marami ka palang pera. Mabuti pa ako na lang ang magpunta sa iyo.

L Basta ikaw.

S O...

L Hintay, yaong bahay mo ay yari na ba?

S Oo, yari na naman talaga iyon, Luz.

L Eh, bakit ... eh, bakit ba ... kay yaman yaman mo eh nangangailangan ka pa ba?

S Sabihin mo eh, mayabang.

L Lekat ikaw.

S Hampas lupa pa.

L Bakit naman?

S A eh ... talagang ganoon tayo.

L Wala akong pera, pero kung ... pero kung kukulañgin ako, eh ihihiram kita sa tiya ko ... kung gusto mo.

S Oo.

L Kung makukuha ko, anong oras mo kailangan ... mo ng pera?

S A... siguro bandahin alas once.

L Alas once?

S Oo.

L Sigurado?

S Mm... mm.

L Ay naku ... paano ba ang mabuting punta diyan. Anong oras ... mga eleven ... baka maraming tao diyan?

-
- S Maano.
- L Kung maihiram ba kita nang tatlong libo sa tiya ko, tama na ba iyon ... kung makakahiram lang?
- S Anong gagawin ko sa tatlong libo.
- L Eh, magkano ba ang kailangan mo ... O, papaano ... just in case na makakuha ako nang apat na libo ... paano naman ang kondisyon?
- S Doce por ciento isang taon... that is legal.
- L Hintay muna. Tungkol naman doon sa case ni Gregorio Trinidad, Jr. sa estafa – talaga bang gusto mong idrop ko kahit wala pang hearing?
- S Oo.
- L Alam mo ... alam mo Fiscal Salva, eh dalawa ... dalawa yaong case na sinasabi ko sa iyo ... dalawa yaong case ni Gregorio Trinidad Jr., isang estafa at isang civil case. Bakit kung sakali bang idadrop yaon eh, just in case lang, kung sakali lang naman papayag ako, na kung sakaling papayag kang idadrop ko yaong case na iyon ... yaong civil case ni Gregorio Trinidad Jr. eh, kailangan ba ang pirma ko?
- S Mm ... mm.
- L Kailan mo naman akong gustong pumunta at ... a ... at saan naman tayo pupunta para madrop ang case... just in case lang pumayag ako?
- S Bukas, sa Juzgado, pumarine ka.
- L Anytime? Talaga ha?
- S Mm.
- L OK.”

Respondent in his letter to the Secretary of Justice dated September 9, 1958, which he later identified as his answer to the administrative complaint, admitted that he had a telephone conversation with the complainant who was able to engage him in a “joking conversation, unmindful that at the end of the line (there was) a diabolical plot to frame me (him) up.” Respondent claimed that the tape-recording had been tampered with. He also tried to show by his witnesses that complainant is of bad moral character and that the complaint was merely the result of the prodding and machination of her counsel.

Upon a review of the evidence, I am satisfied that the charges against the respondent have been duly proven. I agree with the Secretary of Justice that from the tenor, language, and subject of the conversation, together with concomitant circumstances, respondent’s telephone conversation with complainant could not be a “joking conversation.” The inculpatory acts imputed to respondent of borrowing money from complainant and asking her to drop the criminal case are linked to a common subject, Gregorio Trinidad, Jr. The wealthy Trinidad family and respondent are good friends—indeed respondent is the family adviser.

I do not believe that the tape-recording has been tampered with just because the alleged initial conversation between complainant and respondent’s clerk does not appear. Moreover, the clerk’s testimony on the point is seriously doubted when the rest of his incredible testimony is scrutinized. Neither is the tape-recorded conversation incoherent and illogical to indicate possible tampering.

Respondent’s evidence to prove the bad moral character of the complainant cannot substantially affect the determination of the acts complained of. And it hardly matters if a bona fide complaint is made at the initiative of someone other than the offended party, as the purpose of an administrative investigation is to purge the public service of undesirable officials and employees. What matters is the truth or falsity of the complaint.

For a similar act of borrowing money from a party to a case, a justice of the peace was separated from the service (Administrative Order No. 328 dated April 2, 1960). Equally damaging is respondent's attempt to prevail upon complainant to drop her complaint for estafa then pending in his office.

Wherefore, and upon the recommendation of Secretary of Justice, Mr. Francisco G. H. Salva is hereby considered resigned as city attorney of Pasay City, effective as of the date of his preventive suspension.

Done in the City of Manila, this 18th day of December, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **EDILBERTO B. GALLARES**

Asst. Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 377
ON THE ADMINISTRATIVE CASES AGAINST MR. TOMAS K. LIBAGO AS JUSTICE
OF THE PEACE OF SIOCON AND LABASON, ZAMBOANGA DEL NORTE.

These are administrative cases against Mr. Tomas K. Libago, as justice of the peace of Siocon and Labason, Zamboanga del Norte, for alleged falsification of public documents and ignorance of the law in connection with his actuaciones in Criminal Cases Nos. 158 and 166 of his Labason court (Adm. Case No. 10) and persecution and abuse of authority in connection with Criminal Cases Nos. 979 and 981 of his Siocon court (Adm. Case No. 14).

The respondent denied all the charges in his answer but refused to testify or present any evidence at the formal investigation conducted by the District Judge where he merely made of record his application to retire submitted through the Secretary of Justice.

With respect to Administrative Case No. 10, the evidence shows that in Criminal Case No. 166 (Labason court), for light threats, the respondent on November 22, 1952, sentenced the accused to suffer imprisonment for 15 days and to pay a fine of ₱15, with subsidiary imprisonment of five days in case of insolvency, and to pay the costs. The accused filed a notice of appeal but he was ordered arrested on May 4, 1953, because of his failure to file the appeal bond. He posted the necessary bond on May 9, 1953, and was released.

On August 1, 1953, the accused was rearrested upon order of the respondent and confined in jail for 15 days to serve his sentence. Thereafter, or on August 15, 1953, he filed a petition for the condonation of the ₱15 fine or the subsidiary imprisonment, which was apparently granted by the respondent because the accused was ordered released the following day.

Several irregularities mark respondent's actuaciones in the above proceedings. The penalty he imposed upon the accused was contrary to law as Article 285 of the Revised Penal Code penalizes the crime of light threats with only "imprisonment or fine," not "imprisonment and fine." His condonation of the fine, granting that his decision was wrong, was palpably irregular because he had no authority to do so after the decision had become final. He ordered, in clear contravention of the rules, the execution of the sentence notwithstanding the defendant's appeal. Finally, he violated Section 7, Rule 119, of the Rules of Court when he failed to forward the record of the case to the Court of First Instance after the appeal had been perfected.

Administrative Case No. 14 had its antecedents in a dispute over the possession of a parcel of land between a certain Mora Lobot and the respondent himself. A civil case for forcible entry (Civil Case No. 12) was filed by Mora Lobot on June 16, 1947, in the justice of the peace court of Siocon against the herein respondent and two other persons. The acting justice of the peace issued a writ of preliminary injunction restraining the defendants from committing further acts of dispossession against the plaintiff. Despite the writ, the other two defendants, acting upon orders of their co-defendant, the herein respondent Tomas K. Libago, went to the land occupied by the plaintiff and forced the latter

to deliver to them 36 cavanos of palay, the produce of the land in question. As a consequence, an administrative case (No. 2) was filed against the respondent.

Mora Lobot lost in Civil Case No. 12, which was dismissed, and she appealed to the Court of First Instance of Zamboanga where it was docketed as Civil Case No. 96. This case was heard jointly with Administrative Case No. 2. Judgment was rendered by the Court of First Instance ordering the defendants to restore the possession of the land and to return the 36 cavanos of palay or pay the corresponding value of ₱100 to the plaintiff, and recommending that Tomas K. Libago be suspended for three months for conduct unbecoming a public official. The respondent appealed the decision in the civil case to the Court of Appeals which affirmed the same on May 18, 1956.

Criminal Cases Nos. 979 and 981, subjects of Administrative Case No. 14, were offshoots of the incidents narrated above. The records show that while Mora Tapsil, a daughter of complainant Mora Lobot, was plowing a portion of the latter's land, a certain Moro Mussadin Esnain tried to drive her away from the land. The woman refused to leave and resisted the attempt. On April 13, 1953, Criminal Case No. 979, for attempted homicide, was filed against Mora Lobot, her daughter Mora Tapsil, her son-in-law Jaohali Dandoh, and Mora Lumarang. The four were immediately arrested upon order of the respondent who fixed the bail bond for their provisional release at ₱12,000 each. A week later they were brought before the respondent who demanded ₱200 from them on the promise that he would dismiss the case, but they refused. Thereafter another criminal case, No. 981, for slight physical injuries, was filed against Mora Lobot and Jaohali Dandoh based on the same incidents and the same affidavits that led to the filing of Criminal Case No. 979 earlier. The defendants remained in jail for 3 months and 19 days for failure to post the necessary bond and they were only released after the respondent, through the intervention of one Attorney Riconalla, reduced the bail bond to ₱3,000 for each accused.

Criminal Case No. 981 was later dismissed by the respondent on September 25, 1953, five months after its filing, at the instance of counsel for the accused while Criminal Case No. 979 was remanded to the Court of First Instance only on December 22, 1955, or after 2 years and 8 months, where it was dismissed upon motion of the provincial fiscal for lack of evidence. In the meantime, Moro Mussadin Esnain, the alleged offended party in the two criminal cases, occupied complainant's land during the time that she was in jail and delivered to the respondent several cavanos of palay harvested from the land.

It is quite evident that the respondent gravely abused the powers of his office and persecuted Mora Lobot to further his personal ends. He accepted two different criminal complaints on the basis of the same affidavits and the same incidents; he fixed a grossly excessive bail that caused the unwarranted incarceration of the accused for 3 months and 19 days; and he unduly delayed the preliminary investigation of Criminal Case No. 979 for more than 2 years and 8 months, all in furtherance of his scheme to deprive Mora Lobot of her land and to wreak vengeance on her.

In view of all the foregoing, I find the respondent guilty of gross ignorance of the law in Administrative Case No. 10 and wanton abuse of authority in Administrative Case No. 14. As observed by the District Judge, the respondent, by his actuations, has shown himself unfit to sit in judgment over his fellowmen. I have been informed, however, that Mr. Libago is no longer in the service for having reached the age of compulsory retirement on September 28, 1959, during the pendency of these cases.

Considering his length of service, the separation of Mr. Tomas K. Libago is hereby understood to be without prejudice to his receiving such retirement benefits as he may be entitled to.

Done in the City of Manila, this 18th day of December, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **EDILBERTO B. GALLARES**
Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 378
REPRIMANDING MR. RODOLFO GANZON, MAYOR OF ILOILO CITY.

This is an administrative case filed by Mr. Ernesto Rosales against Mr. Rodolfo Ganzon, Mayor of the City of Iloilo, for oppression, misconduct in office and oral defamation.

It appears that in the night of August 22, 1956, the People's Forum was on the air at Radio Station DYRI, Iloilo City. The guest speaker for the evening was Atty. Edmundo Ganzon, younger brother of the respondent. The panel of interrogators was composed of Messrs. Ernesto Y. Rosales, program director and commentator of the station, Rodolfo Claparols and Francisco Rodillado, a newspaperman.

In the course of the program, a telephone call was received by Rosales from an unidentified woman requesting him to ask the guest speaker who his wife was. When this query was relayed to Atty. Ganzon, he felt slighted. At this juncture, the respondent mayor called up Rosales by phone expressing indignation at the manner he questioned the guest speaker and threatening to go to the station to sock him. Within a short time the respondent arrived at the station and barged into Studio "A" accompanied by about ten men, some of whom were in uniform. Those identified were Patrolmen Godofredo Dumaran, Romeo Fernandez and Antonio Respal. Upon arrival, the respondent immediately lambasted Rosales expressing displeasure at the way he interrogated his brother. He also directed Rosales to stop the program and shouted at the radio technician, Vicente Amena, to stop the broadcast. Scared by the Mayor's outburst of temper, the technician switched off the controls. Thereafter, the respondent collared Rosales with his left hand and struck him with his right palm on the nape of the neck and uttered slanderous remarks against him.

Rosales protested meekly stating that there was no malice in his question. Patrolman Dumaran, a companion of the respondent attempted to box Rosales but Claparols, one of the interrogators, placed himself between them. Noticing the act of Pat. Dumaran, the respondent ordered him to desist.

Shortly thereafter, the respondent directed the complainant to resume the program and to apologize publicly. The complainant complied meekly and apologetically announced to the radio audience that they were sorry for having been off the air for a few minutes due to some slight misunderstanding. Then the respondent left the station followed by most of his men.

From the foregoing, it is indubitable that the respondent committed acts constituting slander by word and deed. The question is whether under the facts and circumstances these acts constitute misconduct in office or oppression.

Misconduct in office has a definite and well-understood meaning. Misconduct or malfeasance in office means official misconduct or misfeasance, rather than personal misbehavior alone not in any way affecting the incumbent's fitness or capacity to perform the duties of the office (27 Words and Phrases, 317). It is a misconduct such as affects the performance of his duties as an officer and not such as affects his character as a private individual. In such cases, it is necessary to separate the character of the man from the character of the officer. (Mechem, Public Officers, 457, p. 290).

The word “oppression” has not acquired a strictly technical meaning, and may be taken in its ordinary sense, which is an act of cruelty, severity, unlawful exaction, domination, or excessive use of authority. The exercise of the unlawful power or other means, in depriving an individual of his liberty or property against his will, is generally an act of oppression. (U. S. vs. Deaver, 14 F. 595, 597, cited in 29 Words and Phrases, 606). But oppression, in order to be a sufficient cause for administrative discipline, must have been committed in connection with the official duties of the respondent or in abuse thereof.

While the acts of the respondent may be considered as an act of cruelty, severity and domination, there is no evidence that he made use of his office or abused his authority in the commission thereof. In the absence of such evidence, the acts cannot be considered as official misconduct or oppression so as to merit suspension or removal from office.

Section 8 of Commonwealth Act No. 158, otherwise known as the Charter of the City of Iloilo, as amended by Republic Act No. 1209, provides that the Mayor shall hold office for four years unless removed, x x x.” The Charter is silent as to the causes or grounds for removal or suspension of the mayor. However, in the case of the Mayor of Manila whose Charter contains similar provision as regards removal of the mayor, the Supreme Court held that the power of the President to remove or suspend the mayor is confined to disloyalty to the Republic, or at most, for the other causes enumerated in Section 2078 of the Revised Administrative Code, namely, disloyalty, dishonesty, oppression, or misconduct in office (Lacson vs. Roque, 49 Off. Gaz. No. 1, p. 93).

The acts of the respondent in barging into the radio station, disrupting the broadcast and subjecting to abuse one of the principal participants in the program, is to say the least, highly reprehensible. However, in the absence of positive proof that said acts were committed with abuse of office or authority, no severe administrative penalty can be imposed on the respondent.

WHEREFORE, Mr. Ganzon is hereby reprimanded and admonished to act with more decorum and circumspection in keeping with the exalted position he holds.

Done in the City of Manila, this 26th day of December, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) CARLOS P. GARCIA

By the President:

(Sgd.) EDILBERTO B. GALLARES

Asst. Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 379
ADMONISHING GOVERNOR MANUEL D. BARRETTO OF THE PROVINCE OF ZAMBALES

This is an administrative case against Governor Manuel D. Barretto of Zambales who was charged by Senator Genaro Magsaysay in a privileged speech in the Senate with abuse of the public trust, exploitation of public office for private gain and improper conduct in our relations with foreign countries. Specifically, Governor Barretto is charged with having, as representative of the province of Zambales, executed nine (9) negotiated contracts with the U. S. Navy at Subic Bay for the purchase of surplus equipment, certifying that the same “shall be utilized exclusively for the rehabilitation of the municipality of Iba, for road construction, irrigation projects, etc., for public convenience and will not be resold, appropriated nor utilized in any way for personal profit or gain”, but contrary to said certification, sold said equipments “to private parties as his own personal property.” It was averred that except for two items of equipment received and duly paid for by the province of Zambales, the others “were not and could not be found in Zambales much less in the possession of its Government – the purchaser of record.”

The Presidential Committee on Administration Performance Efficiency (PCAPE) conducted a fact-finding preliminary investigation on the matter for the purpose of ascertaining as to whether there exists a prima facie case. Upon its termination, Governor Barretto waived his right to a formal investigation in accordance with Executive Order No. 370, series of 1941, manifesting that the case be decided on the basis of the said preliminary investigation.

It appears that during the period from June 2, 1959 to August 19, 1959, ten (10) negotiated contracts for the sale of surplus equipment at a total consideration of ₱109,716.34 were executed by and between the Disposal Officer of the U. S. Navy Supply Depot at Subic Bay, representing the U. S. Government, and Governor Manuel D. Barretto, as Contractor, or his authorized representative. Attached to each of the ten contracts was a certification signed by Governor Barretto stating that “the items of equipment purchased by the undersigned shall be utilized exclusively for the rehabilitation of the municipality above-mentioned (Municipality of Iba) for road construction, irrigation projects, etc., for public convenience and will not be resold, appropriated or utilized in any way for personal profit or gain.” These negotiated sales were made upon prior approval by the United States Bureau of Supplies and Accounts and on the representation of Governor Barretto that the equipments to be purchased thereunder would be used for feeder roads, communal irrigation projects, police work, SWA work, pest control, and dispersal of improved livestock. Under U. S. Navy rules and regulations, negotiated purchases of navy surplus properties are allowed only in favor of the Philippine Government and its agencies and instrumentalities, and that sales thereof to private individuals or entities shall be made through open bidding.

It was also found that on July 16, 1959 two items of the purchased equipment covered by Negotiated Contract No. N-651s-4828 dated July 13, 1959 in the amount of ₱38,553.10 (including customs duties), were sold by the respondent to Vicente Novales for ₱40,000.00; and that with the exception of two heavy equipments, where were sold at cost to the province of Zambales, the other

surplus equipment purchased were not in the possession of the province. However, no funds of the province were used in the purchase of any of the said equipment.

The respondent explained that it was his intention to purchase said equipments in his personal capacity; that the original intention to purchase surplus equipments for the province was abandoned for lack of provincial funds and because he was advised by the Office of the Highway District Engineer that the purchase thereof would entail plenty of expenses for maintenance and repair; that it was his honest belief that negotiated sales were not limited to government entities as it was public knowledge in Zambales that negotiated sales to private individuals had heretofore been allowed on several occasions; that his certifications were not made at the time of the execution of the contracts but at one sitting three months after the execution of the last contract and only upon the request of U. S. Navy authorities and on his honest belief that the signing thereof was but mere harmless formality; that he allowed third parties to buy the reserved equipments on their promise that should the Province of Zambales be in need of heavy equipments for feeder roads and communal projects, he could call on them for free services. This explanation, although sustained substantially by the evidence and circumstances of the case, is not entirely satisfactory. The respondent was expected to know that in allowing private parties to purchase the surplus equipments in question and benefit therefrom, he might thereby, as he did, place the Government he represents in an embarrassing position at least before the United States Naval authorities, considering his written certification that the said equipment “shall be utilized exclusively for the rehabilitation of the Municipality of Iba for road construction, irrigation projects, x x and will not be resold, appropriated nor utilized in any way for profit or gain.”

It appears, however, that the same charge against the respondent was made an election issue against him as a candidate for reelection in November 1959 and that, notwithstanding said issue, he was reelected to the same position. In the case of Pascual v. Provincial Board of Nueva Ecija, G.R. No. L-11959, October 31, 1959, the Supreme Court ruled that “reelection to office operates as a condonation of the officer’s previous misconduct to the extent of cutting of the right to remove him therefor.” In view of this doctrine, no disciplinary action may be taken against the respondent for the offense committed by him. However, he should be more careful in his official actuations in the future, so as not to expose to suspicion or criticism the high office which he holds in trust for the public.

Wherefore, Governor Manuel D. Barretto is hereby admonished to be more careful in his official actuations in the future particularly in his dealings with the U. S. Naval authorities.

Done in the City of Manila, this 26th day of December, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **EDILBERTO B. GALLARES**

Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 380
ADMONISHING PROVINCIAL FISCAL NICANOR P. NICOLAS OF RIZAL TO BE MORE
CAREFUL IN THE PERFORMANCE OF OFFICIAL DUTY.

This is an administrative case against Mr. Nicanor P. Nicolas, Provincial Fiscal of Rizal, consisting of two charges. The first charge, filed by Sims Villahermosa of Tejeros, Makati, Rizal, is for corruption and dishonesty, inefficiency, partiality and vindictiveness in his official actuations, and for abuse of authority. The second charge, filed jointly by Pedro Dineros and Honorio Clemens of 264 Quezon Boulevard, Manila, is for irregularity in the investigation of a criminal complaint against Parke E. Green and Angelo J. Enrico, officers of the E. R. Squibb and Sons, Phil. Corp., wherein respondent showed partiality to the said Angelo J. Enrico by dropping the charges against him and facilitating his departure for the United States, and for habitual drunkenness.

These two charges were investigated by representatives of the Secretary of Justice who submitted their respective reports and recommendations. The charge filed by Sims Villahermosa will be hereafter referred to as Charge I and that filed by Pedro Dineros and Honorio Clemens as Charge II.

CHARGE I

This charge contains eight specifications. With the exception of specification 7, the investigator found all specifications not substantiated and one was withdrawn during the investigation. The respondent was found guilty of specification 7 in which it is alleged that he abused his authority in ordering the Chief of Police and threatening the Mayor of Makati, Rizal, not to close the Luzon Cabaret at Olimpia, Makati, Rizal, in spite of the provisions of Municipal Ordinance No. 41, series of 1953, as amended, ordering its closure, and for holding the said ordinance illegal in an opinion solicited by the manager of the cabaret who is his “compadre.”

Respondent has no authority to render an official opinion for a private person. As a legal adviser of the provincial government, the respondent should have known that he can render an opinion only on a legal question when properly requested to do so by the officers of the province mentioned in sections 1682 and 2233 of the Revised Administrative Code. He should also have known that he has no authority to declare a municipal ordinance illegal and to threaten the municipal officials with criminal action for enforcing the same. A fiscal has no such authority because the power to annul or declare an ordinance illegal is vested in the courts. I, therefore, find the respondent guilty of Specification No. 7 of Charge I.

CHARGE II

Under this charge it is claimed that respondent dismissed the complaint for unfair labor practices under Republic Act No. 875, otherwise known as the Magna Carta of Labor, filed against Parke E. Green and Angelo J. Enrico, General Manager and Production Manager, respectively, of the E. R. Squibb and Sons, Philippine Corporation and that he drank beer during the investigation of said case.

It is also claimed that as a result of his dropping the case hastily, Angelo J. Enrico was able to leave for the United States and remove himself from the jurisdiction of the Philippine Courts.

This charge arose from alleged acts of the management of the E. R. Squibb and Sons Philippine Corporation, for violation of Sections 3, 4 and 25 of Republic Act No. 875, in that the said officers prevented the employees of said corporation from organizing a labor union and required non-membership in such unions as condition for employment. The corporation is also charged with discrimination against members of the Federation of Employment Workers Union in said corporation and with dismissing workers affiliated therewith.

At the time of the investigation of the criminal case against the two officers of the E. R. Squibb and Sons Philippine Corporation, the case for unfair labor practices against the said corporation was also pending before the Court of Industrial Relations (CIR) which has jurisdiction to determine whether unfair labor practices were committed by the management against the employees' union. Respondent dismissed the case on the ground that the facts constituting the alleged offense which was investigated by him are the same as those involved in the unfair labor practices case pending with the CIR.

I find respondents' action in order because the case for unfair labor practices filed with the CIR was a prejudicial question and the criminal liability of the accused would depend upon the findings of the CIR. There was, therefore, no abuse of authority by respondent in dismissing the criminal complaint against Parke E. Green and Angelo J. Enrico. However, I find that he did not observe proper decorum during the investigation by drinking beer before the public. Although he was not intoxicated by his drinking, I consider his act as unbecoming of a public officer in his position.

The above mentioned acts of the respondent show that he is not scrupulous in the performance of his duties and functions. He should have exhibited greater tact and prudence in connection with the incident involving the closing of the Luzon Cabaret under a municipal ordinance, instead of showing his unusual interest in favor of the owner of the cabaret by rendering an opinion against the legality of the ordinance at the latter's behest. He acted improperly in threatening the Chief of Police and the Mayor with criminal prosecution if they enforced it. Respondent should have also shown more sense of decency and refinement by refraining from drinking alcoholic beverages in front of the public especially during a formal official proceeding like a preliminary investigation. However, these shortcomings of the respondent do not warrant the imposition of a severe penalty in the respondent. An admonition or warning to be more careful in the future would be a sufficient sanction for his misdeeds.

Wherefore, respondent Nicanor P. Nicolas, Provincial Fiscal of Rizal, is hereby admonished and warned to be more careful and prudent in the performance of his official duties and functions.

Done in the City of Manila, this 27th day of December, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) CARLOS P. GARCIA

By the President:

(Sgd.) EDILBERTO B. GALLARES

Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 381

MODIFYING ADMINISTRATIVE ORDER NO. 171, DATED DECEMBER 7, 1951,
CONCERNING MR. CORNELIO S. RUPERTO, FORMER ASSISTANT FISCAL OF MANILA,
BY CONSIDERING HIS SEPARATION AS WITHOUT PREJUDICE TO HIS REINSTATEMENT IN
THE PUBLIC SERVICE AT THE INITIATIVE OF THE APPOINTING AUTHORITY.

Under Administrative Order No. 171 dated December 7, 1951, Mr. Cornelio S. Ruperto was removed as assistant fiscal of Manila for partiality, favoritism and gross misconduct in misrepresenting facts before a court of justice. Upon his request for reconsideration, the Secretary of Justice recommends modification of the order so as to consider him separated without prejudice to reinstatement.

After considering the period of time that has elapsed since respondent's separation from the service, I believe that the decision may now be modified insofar as his removal constitutes a bar to his reinstatement in the public service.

Wherefore, and upon the recommendation of the Secretary of Justice, Administrative Order No. 171, dated December 7, 1951, is hereby modified in the sense that Mr. Cornelio Ruperto's removal shall be without prejudice to his reinstatement in the public service at the initiative of the appointing authority.

Done in the City of Manila, this 28th day of December, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **EDILBERTO B. GALLARES**
Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 382
SUSPENDING MR. TEMISTOCLES C. MELLA FROM OFFICE AS FIRST ASSISTANT
PROVINCIAL FISCAL OF SORSOGON.

This is an administrative case against Mr. Temistocles C. Mella, first assistant provincial fiscal of Sorsogon, who is charged with indirect bribery, malfeasance, misfeasance and acts prejudicial to the interest of the public service. The charges were investigated by a special attorney of the Department of Justice.

In the evening of June 25, 1952, Flaviano Luzurriaga was murdered by unidentified masked men in his house in Bulan, Sorsogon. A letter from one Aniceto Macario, then an inmate in the national penitentiary in Muntinlupa, Rizal, to the widow, Eustaquia Gerona Luzurriaga, pointed to Loreto Franco and Romeo Gutierrez who were also inmates as among her husband's murderers. Questioned by NBI agents, Franco and Gutierrez pointed to Juan Granado, then municipal mayor of Bulan, as the mastermind of the killing. Investigation conducted by said agents in Sorsogon tended to confirm Granado's complicity in the crime. Report to the effect was prepared and delivered to the clerk of court of Sorsogon on May 29, 1954, for delivery in turn to the provincial fiscal.

Around July 13, 1954, respondent came to Manila and interviewed Franco and Gutierrez in Muntinlupa. They executed affidavits implicating Granado which, upon his return, he delivered to his chief, the provincial fiscal. Respondent later saw the widow's attorney and told him that the evidence was weak.

Because of alleged pressure being exerted upon him by the respondent not to incriminate Mayor Granado, and as he was supposedly told that the nondisposal of the Luzurriaga case was the obstacle to his release on parole, Franco wrote to the Presidential Complaints and Action Committee (PCAC) complaining against the respondent. This complaint was investigated by the PCAC on August 5, 1955, and Franco reiterated his charge against the respondent.

Due to the delay in the filing of the criminal case against the Luzurriaga murderers, the widow sought the intervention of the PCAC and his Office, leading to the designation of a special attorney in the Department of Justice as acting provincial fiscal to handle said case. To facilitate its investigation, Loreto Franco and Rolando Gigantone, then confined in the national penitentiary, were brought to the provincial jail of Sorsogon. Eventually, the corresponding information was filed against Juan Granado, Loreto Franco, Rolando Gigantone and others (Criminal Case No. 1708 of the Court of First Instance of Sorsogon).

After a jailbreak in the Sorsogon provincial jail in June, 1956, in which Loreto Franco was one of the leaders, his affidavit and that of Rolando Gigantone exculpating Granado were produced, but these were repudiated by them.

In the trial of the criminal case, Franco, who turned state witness, testified to the effect that Granado was the mastermind of the Luzurriaga killing. The court, however, found his testimony incredible and unreliable and acquitted the defendants, except Granado who had in the meanwhile died of natural causes.

It is further alleged that respondent received fighting cocks from Granado. The first time was supposed to be before he knew that Granado was implicated in the case, hence I doubt the truth thereof. As to the second occasion, the testimony is from a biased source, the witness being the complainant's brother-in-law and it is without corroboration although some alleged witnesses like the Justice of the Peace of Bulan could have shed light on the matter.

However, I find the respondent guilty of trying to persuade probable witnesses for the prosecution from criminally incriminating a certain person. As a prosecuting officer he was supposed to explore every angle that could be of help in the prosecution. However, he did not attempt to suppress evidence as he took their damaging statements and submitted them to his superior, the provincial fiscal. Moreover, the court did not believe the testimony of Franco, whom he tried to influence not to implicate Granado, and acquitted the defendants.

Wherefore, Mr. Temistocles C. Mella is hereby suspended without pay for two (2) months as first assistant provincial fiscal of Sorsogon, effective upon receipt of a copy of this order. He is also reprimanded and warned that commission of similar irregularities will be dealt with more severely.

Done in the City of Manila, this 27th day of December, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) CARLOS P. GARCIA

By the President:

(Sgd.) EDILBERTO B. GALLARES

Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 383
CONSIDERING MR. PEDRO C. MERRERA RESIGNED AS REGISTER OF DEEDS
OF PANGASINAN.

These are three administrative cases against Mr. Pedro C. Merrera, register of deeds of Pangasinan, charging him with incompetence, neglect of duty, violation of office rules and regulations and inefficiency. They were separately investigated by a committee created by the Commissioner of Land Registration who recommends in the first case that respondent be required to resign, with benefits, and in the second and third that he be dismissed from the service.

FIRST CASE

The evidence adduced establishes the following facts:

1. That respondent signed (a) four deeds of adverse claim which did not contain the volume and page number of the certificates of title involved, (b) several certificates of title with his facsimile signature and (c) new certificates of title without accompanying index cards duly accomplished, in violation of Section 10 of Act No. 496, GLRO Circular No. 256 and GLRO Circular No. 123, respectively;

2. That he did not, as required by GLRO Circular No. 178, check or verify the collection of fees for the registration of two deeds of sale with right of repurchase where double registration fees were collected;

3. That he registered (a) documents without proof of payment of taxes as required by LRC Circular No. 23 and (b) an affidavit of adverse claim and a deed of mortgage without their having been stamped with a rubber stamp showing the amount of fees collected and other details as called for in GLRO Circular No. 178;

4. That he failed (a) to note the number of tax receipts on the back of two documents submitted for registration and (b) to sign 206 documents already in the registration book for Act No. 3344, entries of documents in 16 registration books and 4,000 original certificates of title although the owners' duplicates thereof had already been issued, contrary to GLRO Circulars Nos. 23 and 256 and Act No. 3344;

5. That stamps affixed to documents were cancelled, not with a perforator as required by Section 237 of the Internal Revenue Code and LRC Circular No. 51, but merely by dates written across each stamp; and

6. That he employed a clerk in his office not duly authorized by competent authority which is against office rules and regulations.

SECOND CASE

It appears that on August 2, 1960, a parcel of land, of which Ignacio Gonzales was the registered owner, was transferred to Pio Ordoña by virtue of a document dated April 13, 1933. The document is totally defective because it did not recite that the vendee is a Filipino and the acknowledgment was not by the supposed vendor, Ignacio Gonzales, but by Pio Ordoña and his father. Moreover, the number and other pertinent details of the residence certificate of the supposed vendor do not appear in the document and there was no evidence of the payment of taxes.

Respondent's contention that the document involved meets all the requirements of law is utterly untenable and bespeaks his gross ignorance of the law or unpardonable carelessness. As pointed out by the Land Registration Commissioner, a cursory examination of the deed of sale "would readily show the obvious defects that it is inconceivable how said document was ever registered by the respondent."

His explanation that he personally knew the Ordoñas to be Filipinos is completely beside the point, as the law explicitly provides that this fact be made manifest on the face of the document. Equally untenable is his claim that the acknowledgment was made by Ignacio Gonzales, it being clearly stated that the ones who appeared before the Notary Public to ratify the same were "PIO ORDOÑA and his father FEDERICO ORDOÑA."

Respondent's ignorance or gross negligence made possible the transfer of a registered property on the strength of a forged deed of sale manifestly defective on its face, to the prejudice of the lawful owner and betraying the very purpose for which his office was created. He displayed utter disregard of office rules and regulations and proved his incompetence and negligence, rendering himself totally unfit to be entrusted with the high responsibilities of his office.

THIRD CASE

The following were clearly proven:

1. In Entry No. 157526 he registered an adverse claim which was for money, without compliance with the requirements of Section 110 of Act No. 496 as regards description of the land in which the right or interest is claimed.

2. In Entry No. 150427 he registered an adverse claim on Transfer Certificates of Title Nos. 20788 and 29287 when the claim was not against the registered owner of the land but against the previous owners whose titles had already been cancelled.

3. He registered two deeds of sale purportedly executed by the heirs of the deceased owners although said heirs had not previously complied with the provisions of Rules 74 and 75 of the Rules of Court. The property having been inherited, the annotation of liability and inheritability as required by Rule 74 of the Rules of Court and the Internal Revenue Code is necessary.

4. He registered a deed of sale of a parcel of land executed before the registration of the land. Executed as it was prior to the entry of the decree of registration and issuance of the decree of title, the deed of sale was not registerable under Act No. 496.

5. He registered a deed of donation by the surviving husband when the title shows that the land was conjugal property and there had not been any liquidation of the partnership.

6. He employed a private person in his office without benefit of appointment.

The Secretary of Justice recommends that the respondent be suspended for six (6) months in the first case, but in the second and third cases he agrees with the LRC Commissioner that respondent

should be dismissed from the service. I believe, however, that considering him resigned from office will be sufficient punishment.

WHEREFORE, Mr. Pedro C. Merrera is hereby considered resigned from the service as register of deeds of Pangasinan, effective upon receipt of a copy hereof, without prejudice to such retirement benefits as he may be entitled to.

Done in the City of Manila, this 28th day of December, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **EDILBERTO B. GALLARES**

Asst. Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 384
REPRIMANDING MR. SUSANO R. NEGADO AS GENERAL MANAGER OF THE NATIONAL
WATERWORKS AND SEWERAGE AUTHORITY (NAWASA).

This is an administrative case against Mr. Susano R. Negado, general manager of the National Waterworks and Sewerage Authority (NAWASA), for alleged misconduct in office and inefficiency on various counts filed by members of the board of directors of said entity. The charges were investigated by a committee composed of Judge Salvador V. Esguerra as chairman and Professor Enrique M. Fernando and Col. Clemente Guerrero as members. The investigating committee cleared the respondent of many of the counts or specifications except the following in which I concur:

1. It is alleged that respondent acquired 4" and 6" cast iron pipes from the Manila Sheet Metal Company and Domingo S. Jose in disregard of and willful disobedience to duly adopted resolutions and directives of the NAWASA board of directors. Respondent appears to have merely followed and acted in accordance with the decision and orders of his superior, the Secretary of Public Works and Communications, overruling the action of the Board. However, he should at least have apprised the Board, which is the policy-determining body of the corporation, of what he was doing in behalf of the corporation. That would not only have promoted harmony and understanding between the Board and the management so essential to the smooth operation of the NAWASA but would also have saved him from being suspected as favoring a certain group of bidders having business dealings with the NAWASA.

2. Respondent is next charged with purchasing without the knowledge of and authority from the Board 6" and 8" cast iron pipes from C. A. Roxas & Co., Inc., and 4" and 6" water pipes of international specifications from Domingo S. Jose. The water pipes involved were imported into this country in exchange for the scrap metals exported under revalidated export permits of certain firms represented by Roxas & Co. and Jose. Said permits were revalidated by authority of the President on condition, among others, that the water pipes to be exchange with scrap metals should be sold to the Government or any party designated by it at landed cost plus not more than 7% profit. The Cabinet also approved the sale to the Government of the pipes to be imported on condition that the price would not be more than the latest prices of the Bureau of Supply and that the sale should be "without prejudice to other parties in possession of available stocks of pipes of the desired specifications participating in any bid called for if said parties should desire, pursuant to provisions of existing law, rules and regulations on the procurement of materials and supplies needed by the Government." This last condition could have no other meaning than that the Government was not under obligation to purchase the pipes imported by the holders of the revalidated permits but instead public bidding would be held in order to obtain the lowest prices and most advantageous terms to the NAWASA.

Respondent admits that the purchase of the pipes did not have the approval of the board of directors but contends that the purchase without public bidding was authorized by the President because of the approval of the revalidated permits under which they were imported and because the Cabinet at its meeting held on October 20, 1954, in Naujan, Oriental Mindoro, approved the sale of

the pipes to the Government. He also contends that the Auditor General approved the corresponding requisition vouchers for the pipes.

It seems obvious that the Cabinet requirement for public bidding to obtain the best prices was binding on the NAWASA, the opinion or views of the Auditor General to the contrary notwithstanding. The Government was therefore under no obligation to purchase the pipes imported by the holders of the revalidated permits. Otherwise it would have been at the mercy of the owners of the pipes as it would have been compelled to pay any price quoted provided that their margin of profit would not be more than 7% of the landed cost.

The respondent, in the interest of harmony and cooperation with the board of directors which is the governing body of the NAWASA, should have notified or advised the Board of the purchase of the pipes in question so that the matter of the legality or propriety of the transaction could have been threshed out before that body and eventually, if need be, brought to the attention of the President who could have given the final decision on whether or not the pipes should be purchased by the NAWASA with or without public bidding.

Aside from the alleged lack of authority in purchasing the pipes in question, it is also claimed that respondent paid more than what was necessary for the purchase and lighterage or transportation charges.

The alleged losses totalling more than ₱47,000 in the purchase price are more apparent than real, as the prices of the Overseas Corporation which were the basis of comparison were not contemporaneous with the prices paid by respondent to Roxas & Co. and Jose. The purchase from the Overseas Corporation was based on prices prevailing on May 2, 1955, whereas the prices paid by respondent for the pipes in question were those prevailing in September 1956. There appears to be no dispute that the prices of cast iron pipes in 1956 were much higher than those in 1955.

It appears that for lighterage and hauling charges for 113 tons of 6" pipes and 117.5 tons of 4" pipes the NAWASA paid the sums of ₱4,920 and ₱5,500, or a total of ₱10,420. Considering that the corporation had been paying from ₱5 to ₱5.25 per ton for similar service, it should have paid only around ₱1,210 for the 230.5 tons, or a difference of over ₱9,200. Adding 7% to said sum, the total overpayment would come up to over ₱9,850 as claimed by the complainants. Respondent has not presented any evidence to disprove the claim of the complainants. Evidently he has not been diligent and zealous in protecting the interests of the corporation as general manager thereof.

3. The charge that respondent purchased 4" and 6" water pipes of international specifications instead of federal specifications from Domingo S. Jose which resulted in the loss to the NAWASA of the total sum of ₱9,850.42 is intimately connected with the preceding charge where respondent was found guilty only of authorizing overpayment for lighterage and hauling service.

However, it was also shown in this specific charge that he took either an exceptional interest in awarding the purchase of the 4" and 6" pipes in question to Domingo S. Jose or a reckless and irresponsible attitude towards his responsibilities as NAWASA general manager. The purchase orders for the pipes were prepared in the typewriter of Mr. Jose and the approval thereof for the signature of the manager was also prepared on the same typewriter. There could be no other place where such document were prepared than the office or establishment of Mr. Jose. Although there is no evidence that respondent profited one way or another out of the transaction, from the moral and ethical standpoint the practice is highly condemnable, giving rise to the suspicion, by no means belabored, that the transaction was not wholly above board. He is therefore guilty of improper conduct under this count.

4. Respondent is also charged with procrastination in the construction of additional filters authorized by the Board. There is no question that the schedule set out by the Board for the various

phases of the project was not followed as there was appreciable time delay between the scheduled date and the actual date of performance. All that need be determined is whether the delay was justifiable.

It appears that the respondent, in his desire to make a thorough review of the plans for the ₱4 million project, requested by memorandum his chief engineer to furnish him with the basic data, design criteria, economic studies, etc., which was not complied with until after two months and 23 days from the date of the request. Respondent also went into consultation by means of letters with the Director of Health and other officials whose technical knowledge might be of value in the design of the subject filter plant. The plans were finally approved by the respondent on October 30, 1956, or eight months after their submission, with certain revisions or changes which meant a saving of around ₱14,600 for the corporation.

Although the saving may be considered small, taking into account the estimated worth of the project of ₱4 million, still the value of a thorough review of the plans for a project of this magnitude cannot be overemphasized, for which respondent manager should be given credit. At the same time the delay of eight months occasioned by the review is unreasonably long. The review could have been facilitated had respondent resorted to personal consultations with his engineers and the latter had done the same with other agencies whose technical knowledge was deemed necessary, instead of effecting the same through the time-consuming procedure of letters and memoranda. He should have remembered that he had a schedule to follow.

Even if respondent did not procrastinate in the construction of the filter in question, yet he failed to adopt a more expeditious method of carrying out the project. If he considered the schedule rather tight under the attendant circumstances, he should have apprised the Board accordingly and requested reconsideration of the schedule.

5. As to the charge that respondent delayed the implementation of the resolution of the Board directing him to ascertain the water meter requirements of all waterworks system in the Philippines and to make arrangements for the direct importation of said meters, the record shows that although respondent submitted a total requirement of 55,946 water meters he merely sought to procure as reparations from Japan 20,960 meters and purchased 6,000 meters; so that his programed procurement was only 26,960, which is not even 50% of the total requirement. Respondent did not therefore fully implement the board resolution. If he had good reasons to spread the requirement over a certain period of time, he should have informed the Board accordingly.

6. The charge that respondent unduly delayed the submission of the results of the bidding for the purchase of 42" steel pipes for the Montalban Reactivation Project authorized by the Board, as a result of which the corporation allegedly lost the opportunity to accept a better offer and was compelled to accept a disadvantageous alternative offer, is without merit. The 21 days it took the respondent to study the various bids, if shortened, could not have materially altered the result in all likelihood and the rejection of the alleged advantageous offer of the Philippine Factors, Inc., was proper, as its original bid did not comply with the specifications. To award the contract on its revised cost submitted after the opening of the bids would amount to a negotiated sale which would be irregular. However, the practice of the management of entertaining revision of bid prices after the bids had been opened is anomalous and defeats the very essence of competitive bidding.

7. As to the charge that respondent unduly delayed the submission to the Board of the recommendation regarding the best bid for the supply of one deep well turbine pump for Polo, Bulacan, resulting in unnecessary injury to the public interest, it appears that the bidding for pipes took place on January 14, 1956, and the recommendation for award was made by the respondent on April 16, 1956. It therefore took three months before a recommendation for award was made, which delay was due, among others, to the fact that there were five items in the bid, some of which did not have the

necessary funds, and there was much red tape in the NAWASA as evidenced by the series of intra-office communications. Apparently the respondent failed in his supervisory duty to effect a more expeditious system in the processing of bids. He also failed to use sound judgment when he placed several items in one bid, some of which were not backed up by necessary funds, thus contributing to the delay. The respondent is guilty of delay under this charge.

8. He is similarly guilty of delay in submitting to the Board on February 15, 1956, his report on the result of the bidding for pipes held on December 28, 1955, or 49 days thereafter. However, it is extremely doubtful whether the final outcome would have been any different even if he had forwarded his recommendation within a reasonable time in view of the divergent opinions of the respondent and the Board on the matter.

9. Respondent is also guilty of procrastination when it took him four months to submit to the Board his report on the result of the rebidding for water pipes held on June 2, 1956, despite his promise to the Board to submit it on June 8, 1956, but actually did so only on October 31, 1956.

In the light of all the foregoing, the investigating committee finds that respondent did not perform his duties properly and conducted himself in office in an irreproachable manner. However, it believes that his shortcomings do not warrant his separation from office, most of them having been due either to a misapprehension of his powers and functions or to unfortunate personal friction with some members of the board of directors. I agree with the committee.

Wherefore, and upon the recommendation of the investigating committee, Mr. Susano R. Negado is hereby reprimanded and admonished to be more careful, tactful and diligent in the performance of his duties.

Done in the City of Manila, this 28th day of December, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:

(Sgd.) **EDILBERTO B. GALLARES**

Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 385
AUTHORIZING THE VICTORY SURETY AND INSURANCE COMPANY, INC.
TO BECOME A SURETY UPON OFFICIAL RECOGNIZANCES, STIPULATIONS, BONDS
AND UNDERTAKINGS.

WHEREAS, Section 1 of Act No. 536, as amended by Act No. 2206, provides that whenever any recognizance, stipulation, bond or undertaking conditioned for the faithful performance of any duty or of any contract made with public authority, national, provincial, municipal or otherwise, or of any undertaking, or for doing or refraining from doing anything in such recognizance, stipulation, bond or undertaking specified is, by the laws of the Philippines or by the regulations or resolutions of any public authority therein, required or permitted to be given with one surety or with two or more sureties, the execution of the same or the guaranteeing of the performance of the condition thereof shall be sufficient when executed or guaranteed solely by any corporation organized under the laws of the Philippines, having power to guarantee the fidelity of persons holding positions of public or private trust and to execute and guarantee bonds or undertakings in judicial proceedings and to agree to the faithful performance of any contract or undertaking made with any public authority;

WHEREAS, said section further provides that no head of department, court, judge, officer, board or body, whether executive, legislative or judicial, shall approve or accept any corporation as surety on any recognizance, stipulation, bond, contract or undertaking unless such corporation has been authorized to do business in the Philippines in accordance with the provisions of said Act No. 536, as amended, nor unless such corporation has, by contract with the Government of the Philippines, been authorized to become a surety upon official recognizances, stipulations, bonds and undertakings; and

WHEREAS, the VICTORY SURETY AND INSURANCE COMPANY, INC., is a domestic corporation organized and existing under the laws of the Republic of the Philippines and fulfills the conditions prescribed by said Act No. 536, as amended.

NOW, THEREFORE, I, CARLOS P. GARCIA, President of the Philippines, by virtue of the powers vested in me by law, do hereby authorize the VICTORY SURETY AND INSURANCE COMPANY, INC., to become a surety upon official recognizances, stipulations, bonds and undertakings in such manner and under such conditions as are provided by law, subject to the condition that the total amount of immigration bonds that it may issue shall not, at any time, exceed its admitted assets.

Done in the City of Manila, this 28th day of December, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **EDILBERTO B. GALLARES**
Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). *[Administrative Order Nos.: 235 - 387]*. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 386
SUSPENDING MR. HORACIO T. AQUINO FROM OFFICE AS JUSTICE OF THE PEACE
OF PANGANIBAN, CATANDUANES.

This is an administrative case filed by Mr. Juan G. Bermudo, principal teacher of the Catanduanes Agricultural and Industrial School at Panganiban, Catanduanes, against Mr. Horacio T. Aquino, justice of the peace of the same municipality, for (1) oppression, (2) abuse of power, (3) subversion of justice, (4) habitual drunkenness, and (5) incompetence. The case was investigated by the District Judge who found the respondent guilty of charges 2, 4, and 5 and recommended his suspension for three months without pay.

It appears that on October 2, 1957, respondent conducted the preliminary investigation of Criminal Case No. 241 of his court against complainant herein for acts of lasciviousness, despite the fact that the accused had waived his right thereto. Complainant's counsel questioned respondent's jurisdiction to proceed with the investigation and protested against the excessive bail bond required of the accused. Irked by the attitude of defense counsel, respondent declared him in contempt of court and fined him ₱25 or 10 days imprisonment in case of failure to pay the fine. Respondent's attention was called to the fact that under the Rules of Court he had no authority to impose such penalty, but he refused to modify his order. Counsel paid the fine to save himself from imprisonment.

In another criminal case (No. 244) of respondent's court, also against complainant herein, for slight oral defamation, a motion to quash was presented which was denied by respondent. After trial the accused was sentenced to four months' imprisonment and to indemnify the offended party in the amount of ₱500, with subsidiary imprisonment in case of insolvency. Again the respondent was informed that the penalty was in excess of that fixed by law for the offense but respondent obstinately refused to amend his decision.

Article 358 of the Revised Penal Code fixes the penalty for slight oral defamation at "arresto menor or a fine not exceeding 200 pesos" and Rule 64, Section 1, of the Rules of Court penalizes direct contempt against an inferior court "by fine not exceeding ten pesos or imprisonment not exceeding one day, or both." Unquestionably, therefore, the respondent acted with grave abuse when he refused to change or modify his order and decision after his attention was called to the unauthorized penalty he imposed on Atty. Alberto David for direct contempt and on complaint Bermudo for slight oral defamation. As observed by the investigating Judge, the respondent "exhibited both ignorance of the law and a marked degree of vindictiveness against the parties who appeared to have offended his judicial dignity." No more appropriate words could aptly describe the respondent's behavior in refusing to modify his unlawful order.

There is ground to believe that respondent seized those occasions to vent his suppressed ire against the complainant that grew out of an incident which took place about a year before. For it appears that sometime in October 1956 the complainant declined a request of the mayor of Panganiban, Catanduanes, for monetary contribution to finance a dance to be held in honor of the respondent

and Judge Perfecto Quicho of the local Court of First Instance. As a consequence, a 1st indorsement dated October 12, 1956, signed by the mayor but drafted by the respondent himself, was sent to the complainant informing the latter in tart and caustic language that because of his uncooperative attitude toward social activities initiated by the officials and employees of the municipality of Panganiban, "I wish to state that said officials and employees will divorce themselves from associating with you in any of your school activities, as it is also against your rules and regulations to have these people take part."

Evidence abounds in the record showing respondent's habitual indulgence in excessive drinking. During the closing exercises and dance in the Viga Elementary School sometime in 1956, respondent came intoxicated and talked aloud while the guest speaker was delivering his speech, disturbing the ceremony. On another occasion in August 1956, in a dance in Viga in honor of a former superintendent of schools, the respondent, an invited guest, came under the influence of liquor and challenged the honoree to a fight which was politely declined. This incident caused the dance to stop and the guests had to go home. In a conference with various officials of Panganiban the respondent, who had been assigned to talk on the subject of obedience to law, failed to do so, because he was drunk and fell asleep during the meeting.

On January 1, 1957, the respondent, while very drunk, jumped from a window of the municipal building of Panganiban. On September 5, 1957, he went to the house of a certain Buenaventura Marino strongly smelling of liquor with only his drawers on. Without provocation, he slapped Marino and uprooted ten mounds of camote plants in his yard. Again on September 13, 1957, respondent, in the company of a policeman, drank liquor from 2:00 to 6:00 P.M. at the store of a certain Antonia Cueva without paying for the drinks. Worse, after consuming the wine, they serenaded Antonia whose husband was away. Respondent slept in her house, knowing full well that her husband was not there. This incident resulted in a serious quarrel between Antonia and her husband which almost ended fatally as she drank mercurochrome. She was saved only by timely medical treatment. On October 2, 1957, respondent was seen drinking liquor with another judge and the complainant in Criminal Case No. 241 of his court. During a political meeting in Viga on October 15, 1957, the respondent, in a drunken stupor, shouted loudly while Congressman Jose Alberto was speaking. He also led in the collection of ten centavos each from the employees in the municipal building of Panganiban for the purchase of tuba which they drank during office hours.

In view of the foregoing, I agree with the District Judge that respondent is guilty of (1) abuse of power, (2) habitual drunkenness and (3) incompetence. The acts committed by the respondent are quite serious, but in view of the conviction of the District Judge that he is not beyond reform, I am persuaded to give him another chance to acquit himself in the judiciary.

WHEREFORE, and upon the recommendation of the District Judge, Mr. Horacio T. Aquino is hereby suspended for three months without pay as justice of the peace of Panganiban, Catanduanes, effective upon receipt of a copy of this order, with a warning that commission of similar acts will be sufficient cause for his removal from the service.

Done in the City of Manila, this 28th day of December, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **EDILBERTO B. GALLARES**
Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 387
REPRIMANDING MR. ESPERIDION BACSA, JUSTICE OF THE PEACE
OF STA. MARIA, PANGASINAN

This is an administrative case against Mr. Esperidion Bacsa, justice of the peace of Sta. Maria, Pangasinan, for allegedly taking part in the prohibited game of monte, which was investigated by the District Judge.

In the afternoon of December 6, 1955, a gambling den in Dagupan City was raided by constabulary men, and respondent was among those arrested. Criminal Case No. 2439, for violation of Article 195 of the Revised Penal Code was forthwith filed on December 10, 1955, in the Municipal Court of Dagupan City against those apprehended, including respondent who was also charged administratively based on the same facts alleged in the information. District Judge Rodolfo Baltazar (now deceased) conducted a preliminary investigation of the administrative complaint and, finding the charge against the respondent amply proven, recommended his preventive suspension pending the adjudication of Criminal Case No. 2439. Upon legal grounds, however, the Department of Justice did not endorse the recommendation for implementation and instead requested the District Judge to conduct a formal investigation of the administrative case and to submit his recommendation without awaiting the outcome of the criminal case. The investigation was conducted on July 28, 1958, this time by District Judge Javier Pabalan who found the respondent guilty of the charge.

In the meantime Criminal Case No. 2439 dragged on for more than two years until January 15, 1958, when the Municipal Court of Dagupan City convicted some of the accused who had pleaded guilty and dismissed the case provisionally against 23 others, including respondent herein, for alleged failure of the prosecution witnesses to appear. Upon being informed of the action taken by the court, the constabulary authorities sought the refiling of the case and it was again docketed as Criminal Case No. 3700 of the same court where it is still pending.

The respondent did not submit any evidence during the formal investigation and rested his case solely on the testimony which he and his two witnesses had previously given in the preliminary investigation before the late Judge Baltazar. His defense is that he entered the gambling den to look for a certain person and not to participate in the monte game.

As a justice of the peace respondent ought to have realized that his mere presence in a gambling den for whatever purpose especially at a time when a prohibited game was going on was not only highly improper but also extremely imprudent, considering his official position in the enforcement of the gambling law.

Wherefore, Mr. Esperidion Bacsa is hereby reprimanded and admonished to be more careful in his future conduct; otherwise drastic action will be taken against him.

Done in the City of Manila, this 29th day of December, in the year of Our Lord, nineteen hundred and sixty-one, and of the Independence of the Philippines, the sixteenth.

(Sgd.) **CARLOS P. GARCIA**

By the President:
(Sgd.) **EDILBERTO B. GALLARES**
Assistant Executive Secretary

Source: **Malacañang Records Office**

Office of the President of the Philippines. (1961). [*Administrative Order Nos.: 235 - 387*]. Manila: Malacañang Records Office.



President Carlos P. Garcia is shown conferring with world bank and local officials in the Angat Hydroelectric Project, March 19, 1960.

